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PROCEEDINGS—TWENTY-NINTH ANNUAL MEETING, MONTREAL, CANADA
JUNE 25th to 30th, 1934

MONDAY AFTERNOON SESSION

JUNE 25, 1934

The opening Joint Session of the National Association of State Libraries and the American Association of Law Libraries, held during the Fifty-Sixth Annual Conference of the American Library Association at Montreal, Canada, convened at two-forty o'clock, Monday, June 25, 1934, in Salon B of the Mount Royal Hotel, Mr. John T. Vance, President of the American Association of Law Libraries, presiding.

Chairman Vance: Ladies and Gentlemen: I have the very signal honor and distinction of opening the meeting of the National Association of State Libraries and the American Association of Law Libraries.

We have the pleasure this year of meeting in Montreal, which is not only famous in song and story, but is also the summer home of about half of our population on the Eastern Seaboard.

His Worship the Mayor of Montreal, Monsieur Houde, has kindly consented to address us, but this being a holiday, the anniversary of St. Jean Baptiste, I fear his duties have detained him and we may have to postpone the pleasure of hearing from him.

In the meantime, other very distinguished citizens and representatives of Montreal have consented to come and speak a few words of welcome.

We ought to explain, perhaps, that the word "America" is only geographical. We are referring to the whole continent of America when we speak of the American Association of Law Libraries and the National Association of State Libraries. Since 1876 when the American Library Association was organized, Canadian libraries have been members, and we have had several meetings in Canada; in fact, particularly during a certain period of our history perhaps the most interesting meetings were held in Canada. But librarians know no border. We belong to the American Library Association, the Canadian librarians belong to the American Library Association, we meet on both sides of the border, we don't even have to clasp hands across the border, we clasp hands on one side or the other. And so we have the good fortune this year to meet in Montreal, the home of French culture in the Western Hemisphere, the third largest city of French culture in the world.

Librarians have excellent relations with members of the bar, and we regard the members of the bar as among our best friends. I believe that, perhaps, is reciprocated. Many librarians, particularly amongst the law and state librarians, are lawyers, and many lawyers might well qualify as librarians because the tools of their profession are books and of necessity they have to be familiar with the books. Therefore, it is very appropriate that a representative of the Bar Association of Montreal should speak to us a few words of welcome.

The Bâtonnier of the Montreal Bar, Mr. Fauteux, very kindly consented to come and address us, but his duties as Senator of the Province have prevented him from being here and we have the pleasure of having with us today the Vice President or the Syndic of the Bar of Montreal, whose position is rather an unusual one in that he has to do with the discipline of the bar. I am glad to say we do not have any official of that sort in the Law Libraries Association. I don't say we do not need it, but at least we have dispensed with that up to now. Monsieur Leonce Plante, the distinguished Syndic, is Chairman of what we would call the Grievance Committee, and that is a very important position because the bar of Montreal, more or less like the English bar, is self-disciplining; neither the courts nor the legislature have anything to say about the deportment of the bar.

We all admire Canada for a great many things. Our relations have been very pleasant for many generations. We have adopted our neighboring country of Canada as a vacation home and playground, a fishing paradise and a hunting paradise. But we also recognize Canada as having taken a major part in the World War as an ally and having lost, with her small population as compared to ours, many times as many young men and citizens.

I am glad to acknowledge our indebtedness to our good neighbor, Canada, for the part she played in the Great War. Monsieur Plante, I am happy to say, was there at the front. I beg to present Monsieur Plante, Lawyer and Soldier. (Applause)

Mr. Leonce Plante K.C. Monsieur President, Madame Watts, Ladies and Gentlemen: I assure you that at the present moment I would rather be back in the trenches. (Laughter) I speak occasionally in my country at political meetings and you know how we take our politics in Quebec—rather seriously on both sides, so we speak to friends who are always agreeing with us, and our opponents speak to their friends in another corner, also agreeing fully with them, and there is hardly any contradiction.

Today I am representing here two distinguished gentlemen. I heard the name of Mayor Houde being mentioned. I am sure I know how Mayor Houde regrets not being here. He is punctual and always on time for every meeting that he is called upon to address. There must be something unexpected which the Mayor will later on explain.

I have no apology to offer yet because it is certainly no fault of our good friend the Mayor.

As far as my Bâtonnier, who should be speaking to you now, you know how senators are all over the world—how useful they are, and he was badly needed in Ottawa today. Our Senators take their politics rather seriously, just as your own do in Washington. I apologize for the Honorable Senator Fauteux for not being here, and of course he sent me to represent him.

I am rather at ease when I discuss a complaint with a client who is dissatisfied with a lawyer, but I am not so well at ease now. A story comes to my mind which was told by one of your beloved Chief Justices, Mr. Taft, when he was visiting the Junior Bar of this Province long, long ago, about the year that you had your convention in Montreal, sometime in 1900. I remember that you had one convention here thirty-four years ago. Some of you gentlemen were here, but I am sure none of the ladies were. (Laughter)

Mr. Taft was telling the young lawyers (I was not a lawyer myself, but I was at the meeting) that he was very anxious to become a lawyer, and the first thing he did when he got his degree was to put up his shingle at the door where they had to go up a flight of stairs to reach his office, and he was waiting for clients and waiting for clients and *waiting* for clients. That happens right here in Montreal. Just now even lawyers with twenty years' practice are waiting for clients. As my learned friend the President said, lawyers should be librarians, and I wish we were all librarians, because they are the only ones who are fairly paid just now—in Montreal I mean.

You will hear my friend Mr. Nantel while you are here in Montreal. He is well versed in legal matters and in legal books, in anything pertaining to law libraries, and it will be a pleasure, I am sure, for you ladies and gentlemen to listen to Mr. Nantel when he addresses you on the Montreal Law Library.

We have here today also the President of our Law Library, Mr. Holt, who will address you in a few moments.

To come back to this story of Mr. Taft, he said all of a sudden he saw a big tall gentleman with a large felt hat, distinguished looking, coming up the

stairs, so he brushed his papers aside and sat straight at his desk, and then the gentleman came in.

He said, "Are you Billy Taft?"

"I am, sir."

"Well, I knew your father very well and I promised him that if I ever had a difficult case I would come to you. Here, this is a document I wish you would read carefully. I have a neighbor who is claiming some of my land and I don't think he is right. Now this is the document. You read this carefully and give me your opinion."

Mr. Taft said, "I read it carefully. I read it even twice while the gentleman was puffing at a little black cigar, and when I was finished reading it I said, 'Did you tell me, sir, that you were a friend of my father?' "

"That is what I was."

"Well," said Mr. Taft, "you'd better go and see a lawyer." (Laughter)

I feel that way now. I wish the Honorable Mr. Fauteux were here to greet you and that you had a lawyer. However, I am pinch-hitting the best I can.

You will visit Montreal, no doubt, with pleasure, and you will see the libraries we have, some of which are wonderful. I wish to call your attention to the Sulpicians' Library. Very few people think of going on St. Denis Street and visiting the library there belonging to the Reverend Fathers of St. Sulpice. You will see there books of the early stages of the colonization here in Canada; you will see there documents written by the fathers of the day; you will see documents in the hands of the governors of the time, English and French, treasures in themselves, that you can see only there of any library in the world.

You will visit our Law Library. There again you will find books that are the envy of other law libraries. We have one of the most wonderful law libraries in the world, if we have to say it ourselves. It is not often that we Canucks from Montreal can boost our own goods, but you will not mind when we are boosting books. That is all we boost. We used to mention our good liquor, but that is something of the past, we don't mention it any more. You will see there documents and French books, French authors, some of them that you can find only in our Montreal Library.

It is with a bit of sadness that I have to admit that our books are not properly protected from fire. The library looks nice, but a match would destroy it tomorrow. We Montreal lawyers are funny, we put our judges back of marble slabs and our books in match boxes. Some day that will be changed, I suppose, but for the present that is how it is.

I don't know how long your stay with us will be, Mr. President, but any time you wish to come to the Montreal Library you will always find there a personnel very keen on showing you around the court houses and the different buildings, and we will be only too pleased, ladies and gentlemen, to be of some assistance or help to you as far as guiding you in Montreal.

Again, on behalf of the City of Montreal in which today we are feasting our patron saint, St. Jean Baptiste, on this special holiday I, as a French Canadian, am proud and pleased to see our American brothers (as you so well said, we are all Americans) come here and bind yourselves to us with books, which

are the best element in the world to keep human nature together throughout the world. Books! Who never loved a book does not know what he has missed. Book readers, those who study books, in a book have their best friend, one that never betrays them, one that they can come back to at any moment, one that they can love and that inspires them.

I wish you success and I hope you will come back to us soon just to look at our country, visit the Gaspé Coast, hook the thirty-five pound salmon there—there is some pleasure in bringing those fish ashore—and when you have finished your vacation and have gone back home, I hope you will carry with you the good will and friendship of friends of Canada. Thank you very much. (Applause)

Chairman Vance: We are indeed very grateful to Monsieur le Syndic for his very eloquent words of welcome. The only thing we might take exception to would be the thirty-five pound salmon, which reminds me of the story about the fish that was displayed at the club of which a member said, "The man that caught that fish was a damned liar." (Laughter) We all know the fertility of Canada as far as sport goes, and if we only were not librarians and could make these annual pilgrimages, we could enjoy this great realm of sport.

There is one member of the Association of the Bar Library to whom the members of the library profession are particularly close; that is the chairman of the committee on the library, or the chairman of the board of trustees of the library. I think it was Napoleon who said that there were three things necessary to carry on war, and they were *l'argent, l'argent et l'argent.*

I fear the members of the committee on the library of the bar association libraries, or perhaps the chairman of the committee on appropriations of the House of Representatives, feel that the same three elements are necessary to build up a library. In other words, we need money, money and more money.

We like to cultivate the members of this committee; in fact, we pride ourselves on our rapprochement and close cooperatioin, and we feel that without the sympathy of the committee on the library it would be impossible to fill our shelves with the numerous books that are published. Our experience has been that the chairman of the library committee and the members of the library committee are among our closest friends and counsellors.

We have the honor to have with us today the Chairman of the Committee of the Library of the Montreal Bar, who has kindly consented to speak a few words of welcome. I have the honor to introduce Mr. Holt, who is not only prominent as Chairman of the Library Committee, but is the author of a very excellent book on the Law of Insurance. (Applause)

Mr. Charles M. Holt, K. C.: Mr Chairman, Madam, Ladies and Gentlemen: I deeply appreciate the honor of joining with Mr. Plante in welcoming such a distinguished body. I can't vie with Mr. Plante in the graceful, charming, witty speech which he made, but I can at least assure you that we feel honored when our friends in the United States visit us, and I can express the admiration we have for your great nation and the esteem we have for its citizens.

It is a great disappointment to me that our Mayor, who is really a distinguished orator, is not here to follow Mr. Plante, but I feel that we have already been well represented by our friend.

It remains for me, I think, just to say a word or two especially on our Law Library. It is situated in the Court House, which our French brothers call the Palais de Justice, and it contains in large part the law of Ancient Rome, modernized by the great French masters of that splendid system. Not forgetting and giving due admiration to your State of Louisiana, and to the sister system there, I think I can say to you, as Mr. Plante has said, that we have the chief library representing the French-Roman law outside of France itself.

We hope that you will visit our library and see with interest the old tomes of the French authors of the sixteenth, seventeenth and eighteenth centuries, still in their original splendid bindings, on beautiful paper, with their beautiful tooling and engraved ornaments.

There is another point to be mentioned, a thing you will see with us which is unique outside of Louisiana, the combination of the English law with the French, which forms our system in this bi-lingual province of Quebec. It is a remarkable thing how the clear minds of the old Romans should have such an enduring monument here in this province.

Let me say again how much we appreciate your coming here. (Applause)

Chairman Vance: The French Republic has the motto, as you all know, *"Liberté, Egalité, Fraternité."* We also know that though it is not included in their motto, from long experience the French have the word *"Hospitalité."* Those of us who have been here before and those who have been here twenty-four hours have experienced already the hospitality of the French-Canadians. We appreciate greatly the words of welcome these distinguished representatives of the Bar of Montreal have given us, and realize the duties of the Mayor naturally interfered with his coming to this meeting. However, I will not usurp the position of the gentleman who will respond to these friendly speeches of welcome, the distinguished Librarian of the Supreme Court of Vermont, who represents not only the law libraries but the state libraries. I have the great pleasure of introducing Mr. Harrison J. Conant, Montpelier, Vermont. (Applause)

Mr. Harrison J. Conant: Mr. Chairman, Monsieur Plante, Mr. Holt, and Members of the Association: Your welcome is most generous. No words of mine will be adequate to express to you our appreciation of your hospitality. On behalf of the members of the American Association of Law Libraries and the National Association of State Libraries, I thank you.

This is the fourth time that we have met in this country, and I believe the second time that we have met in this city, this great metropolis surrounded by the waters of a mighty river which is formed by the confluence of a thousand streams. As these streams arising in each country unite to form one, so the members of our Association coming together here are one in spirit and service. This place gives added significance to this meeting. The fact that two countries are represented here leads us to think of what our relations have been in the past and what they will be in the future. Outside of our libraries there is little to remind us that those relations have not always been pleasant, and I am

sure that the events of those early days have subsided forever and that there will never be a new occasion for other than friendly relations in the future. Today the people of Canada and the United States have for each other feelings only of esteem and good will. Nothing must be allowed to change those feelings except to strengthen them.

As the people of my home state held its frontiers in war, so today we hold them in peace, safeguarding the open doorways between two great nations.

I think that the influences of this meeting will strengthen those feelings of friendship.

It was in this very city a few years ago that our Ambassodar to your country said: "If Canadian, American and British statesmen always stood together, how much better a place would this world be to live in." We have a common heritage of law and literature; we have the same social and political rights; we both stand for justice, liberty under law, and peace; we are one in spirit and outlook; we are both fighting to maintain democracy against dictatorship. By standing together we will improve not only our own welfare, but the welfare of mankind.

May we look back upon this meeting as marking a milestone on the road to universal and unending peace among nations. May the influences created here falisfy the statement by Mussolini that war is the tragic destiny of man. I hope, my friends, that you realize how honored we feel by your hospitality which we will ever hold in grateful and happy remembrance. (Applause)

Chairman Vance: I am sure we take the words of Mr. Conant to heart, every one of us, and feel as he does that as far as our feelings are concerned we are all Americans and there will never be any cause for any trouble between Americans on one side and Canadians on the other, that is, unless they don't send back the books which we lend over here to the Canadian libraries, and vice versa.

The Canadian writers and poets are considered as American, just as American writers have been adopted by the Canadians. How many of us have enjoyed the poetry of that great songster, Bliss Carman, and our first introduction to the French Canadian through the famous Dr. Drummond.

I am sure we are going to live again some of the old scenes that have been depicted in this literature, and we are going to enjoy our stay here to the fullest extent.

So long as the Mayor cannot come to address us and we have nothing further on the program as far as the joint meeting is concerned, unless Madam President of the National Association of State Libraries will speak a few words to us, we will adjourn. Miss Watts.

Miss Irma A. Watts: There is very little that I can add to what has already been said except to stress the fact that our own President has suggested that the mace which was taken at the time of the War of 1812 be returned to Canada. That arrangement is to be effected later in the year, and I think it will further cement the friendship between the two countries.

As has been said by one of the poets: "Our borders for one year have merely been beautiful gardens and lawns of grass." (Applause)

Chairman Vance: I declare the meeting adjourned. The Association of Law Libraries will meet separately immediately hereafter in Salon D.

The joint session adjourned at three twenty-five o'clock.

MONDAY AFTERNOON SESSION

JUNE 26, 1934

Business Session

of the

AMERICAN ASSOCIATION OF LAW LIBRARIES

The opening session of the Twenty-ninth Annual Meeting of the American Association of Law Libraries, held at the Mount Royal Hotel, Montreal, Canada, June the 25th to 30th, 1934, convened at three-fifty oclock, Mr. John T. Vance, President of the Association, presiding.

President Vance: The meeting of the American Association of Law Libraries will please come to order.

I believe the first item upon the programme is devoted to the reports of the officers.

President Vance then gave his report.

Mr. Vance: Fellow law librarians: In accordance with a time honored custom, I have the honor to render to you an account of my stewardship as the presiding officer of this distinguished Association since the memorable meeting in Chicago, October 20, 1933. Since my term of office has been so brief—barely eight months—and the pressure of work in the Law Library of Congress, as well as the gathering momentum of the increasing years, has made the time seem even shorter, the President's address should be tempered by a corresponding brevity, if any remarks at all are in order. Nevertheless, the times have been so full of legal drama, that we should be remiss in our duty to our brethren of the present, as well as to future generations of law librarians, not to record something of the part we are playing in the vast changes that are going on about us—in that evolution which has demonstrated again and again the flexibility and vigor of our constitution, and the solid foundation of our government. Never before in the history of our nation within such a brief period has so much and such varied legislation been placed on our statute books. Never before has so much power been transferred to the President of the United States. Seldom, if ever, in the history of the republic, have such momentous questions been presented to the Congress, the Courts, and to the Executive. We can be absolutely certain that never has our profession played such an important role in the history of our country. History is not only made on the battlefield. Battles of the law map the course of nations as truly as those of the Big Bertha and the aerial armada, and are vastly less costly. Legal engagements have

been and are being waged before our eyes, which would compare in importance with the greatest of those within a century and a half. The Spanish proverb, *"Rio revuelto, ganancia de pescadores"* (when the river overflows, the fishermen win), might well apply to the members of our learned profession when we consider how important a part the lawyer is playing in the affairs of the government and how indispensable in these modern days is the law librarian to the lawyer, as well as to the government.

As President of our Association, I have had little official part in serving the lawyer, statesman, and judge, but in connection with the administration of the Law Library of Congress, the opportunity has been afforded me on several occasions to render a service to the members of our profession or to one of our sister associations, and in serving them, I am confident I am also serving the legal profession.

In order of importance I shall begin with the Federal Emergency Relief Administration. Shortly before the conclusion of the Civil Works Administration program, under the auspices of which a great many valuable library projects were carried out, it was decided by the administration to prepare a number of so-called "standard approved projects." These projects were to be laid out in broad, general lines, and sent to the various administrators of the states, as suggestions of the type of work which the Federal authorities would like to see undertaken by the several states. In cooperation with Mr. Arthur J. Hanna, of the Emergency Works Administration, I helped in drafting several of the library projects, and in the most important of these, provision was made for the indexing and cataloguing of briefs and records, reports of bar associations, etc., and also for the work tending toward the compilation of a Union Catalogue of law books in American libraries. Unfortunately, law libraries have not availed themselves to the same extent as general libraries, in taking advantage of the opportunities for this sort of work under the Federal Emergency Relief Administration. Although the present set-up is in many respects far from satisfactory, as compared with the former Civil Works Administration, yet much can be done, as is witnessed by the fact that in the Law Library of Congress, we have at the present time 51 people engaged in the following works:—Making inventories, indexing and listing briefs and records of the Supreme Court and Circuit Courts of Appeals, and compiling lists of desiderata of early legal Americana and famous legal manuscripts, the items to be later photocopied on films. I regret to say the project is the only one in fact in the entire Library of Congress. I trust the law libraries and state libraries will set up projects under the authority provided and seize this opportunity to increase our bibliographical equipment as well as provide bed and board for our less fortunate citizens.

At the meeting of the Association of American Law Schools in December, 1932, a resolution was adopted by a Round Table on Library Problems, that a second round table on Library Problems be held at the meeting in 1933, and urging interest in and cooperation on the part of the law schools with the American Association of Law Libraries. At the invitation of Dean M. T. Van Hecke, of the University of North Carolina Law School, Miss Helen Newman, Secretary and Librarian of the Law School of George Washington

University, was appointed chairman of the committee to represent the American Association of Law Libraries. The meeting took place in Chicago, on December 28, 1933, Dean M. T. Van Hecke presiding.

The principal topic for discussion was "Educational and library problems in the teaching of legal bibliography". Before the topic was taken up, there was a discussion as to how the American Association of Law Libraries and the Association of American Law Schools might be brought into a closer degree of cooperation. Miss Newman presented the Roalfe Expansion Plan and recommended that the headquarters of the permanent secretariat be established in Washington. Both proposals were well received. Dean Van Hecke suggested that our plan be drawn up briefly, mimeographed and sent to all deans of the member schools of the Association of American Law Schools for further consideration. In addition it was agreed that the proposals be submitted to the Executive Committee of the Association of American Law Schools for endorsement, and that Miss Newman and I be invited to confer with the Executive Committee at its meeting in Washington in May. Before touching upon this meeting, I should like to read the following quotation taken from a letter written to me on January 18, 1934, by Dean M. T. Van Hecke: "I want to congratulate you and the American Association of Law Libraries for the effectiveness with which Miss Helen Newman presented the program of your Association before the Round Table on Library Problems of the Association of American Law Schools Christmas week in Chicago."

President Vance: And by the way, while speaking of the Roalfe Plan I must stop just to say that it is a great pleasure to have Mr. Roalfe with us this year. He was absent last year on account of illness and we were much concerned, from all reports, as to his condition, but apparently, having spent nine months in Hollywood or near by there, he has recuperated sufficiently to take part again in the deliberations of our Association. We welcome him again with great pleasure.

President Vance continued by reading his report: The meeting of the Executive Committee of the Association of American Law Schools was held during the meeting of the American Law Institute on May 9. Miss Newman and I appeared before the deans and urged them as forcefully as we could to recommend that the members of their Association join our Association under the Roalfe Plan and amendments providing for a permanent secretariat in Washington. General sympathy was expressed with our proposal, although the members of the Executive Committee were not empowered to take any action, but they promised to consider the matter at their meeting next December. As a full report of our meeting will be made by Miss Newman at the Round Table on Wednesday evening, I shall not give any further detail of our conference.

The Roalfe Plan states on page 16 of the mimeographed copy, as follows:—"While no attempt has been made to secure outside assistance for any of these projects, the committee believes that funds for particular projects can in the future be obtained provided the Association strengthens itself in the various ways that are being suggested."

Believing that an increase in membership is the most important method of

obtaining outside assistance, and with the cooperation of the Membership Committee, of which Mr. Lawrence H. Schmehl is Chairman, I have inaugurated a membership campaign with encouraging success, about fifty new members having been obtained in this manner and a number having been pledged. While this is not a large increase, it is an evidence of what we can do if we put our shoulders to the wheel. When I put the matter of supporting the American Association of Law Libraries up to my staff of sixteen, three of whom are already members, the response was almost unanimous, only two having good excuses for not joining at this time. I firmly believe that we can secure 250 members and it is only fair that we should do so before asking for an endowment. Our aim should not be less than 500. If every member will get at least one more, we shall attain the goal.

As your President, I urged the Appropriations Committee of the House of Representatives to continue to appropriate the necessary funds for the publication of the State Law Index, which had been discontinued for some time. I spoke to various members of the Committee and wrote a letter to its Chairman, Hon. Louis Ludlow, of Indiana. Mr. Ludlow replied that the item would be taken care of in the appropriations, which was done.

The arrangement of the program has occupied a considerable part of my time during the winter and spring. I had no idea of the work attached to the presidency of this Association, or of such a busy time ahead of me the past winter, or I should have hesitated to accept the honor. However, with the active cooperation of Franklin O. Poole, former president, and with the advice and assistance of Chief Justice R. A. Greenshields, of the Superior Court, Monsieur Maréchal Nantel, Librarian of the Advocates' Library, Mr. C. R. Brown, of Toronto, Miss Helen Newman, and our able Secretary, Mrs. Mills, I was finally able to present a program which promises us an intellectual feast. I was not able to accomplish this, however, without making a special trip to Montreal in company with Mr. Poole.

The infinite details and multitudinous duties in connection with the work of the presidency of this Association have demonstrated to me more clearly than ever the need for a permanent secretariat. The future success of our Association and perhaps of our profession depends upon our action at this meeting on the Roalfe Plan, the cornerstone of which is the establishment of permanent headquarters. We have been going along in this modest, retiring, old fashioned way, for twenty-nine years, content to be a little sister of the American Library Associtaion and to bask in the reflected glory of that great organization.

While I do not minimize the importance of our relations with the American Library Association, and the value of the conferences, it seems to me that we should also stretch out our hands to the bar associations and the law schools, for the lawyer and the law professor are the people we serve and who appreciate our worth most, and those who are most able to help us fulfill our mission as a learned society. I think I can say without fear of contradiction, that there is no work being done by any library association that compares in value to the *Index to Legal Periodicals,* while the *Law Library Journal* is a veritable mine of law library practice and bibliography.

We have been discussing this matter of expansion for several years, and it were time that we acted. We are truly at a parting of the ways—which path shall we follow?—the one that means holding on to the skirts of our big sister, the A.L.A., and spending our energy and funds in building up the funds and prestige of that worthy institution, or the way that leads to an autonomy that spells individuality and greater success for our Association?

Our position is comparable to that of a law library which is a part of a general library and under the control and direction of a general librarian. As all of us know, the law library suffers neglect, because the law is a highly specialized subject and is not usually understood by a general librarian and also because the subject does not have an appeal to the public.

I hope we may take the path which will bring our light out from under the bushel, and establish our home at the nation's capital where the great facilities of the Law Library of Congress may be made more readily available to our members. The cost will be small indeed compared to the advantages that will accrue in more and better service to our members and in the knowledge that by serving ourselves better, we are rendering better service to the bench, the bar and the law school.

President Vance: We will now have the report of the Secretary-Treasurer, Mrs. Mills.

Mrs. Mills read her prepared report.

Mrs. Mills: To the American Association of Law Libraries:

The present membership of the Association is 221, an increase of 14 from the number reported last year. This total is made up as follows: life members, 10; regular members, 178; and associate members, 33.

Nine new regular members, three new associate, and two new life members have been added to our roster since the report for 1932-33. Four memberships have been assumed by successor librarians.

Ten regular and two associate members' dues are paid in advance for 1934-35. Eighteen regular and three associate members are in arrears for dues for one year. Sixteen regular and four associate members are in arrears for 2 years or more.

With deep regret I report the death of Miss Edna M. Craig and Mr. Daniel W. Iddings, former members of the Association.

The full Proceedings of our last annual meeting held in Chicago, Ill., October 16-20, 1933, were published as the October, 1933 issue of the Law Library Journal, and the succeeding issues of the Journal have been published regularly in connection with the Index to Legal Periodicals.

The receipts and disbursements for the period are as follows:—

	Index Fund	Dues Fund	Total
Receipts	$*353.89	$*536.89	$890.78
Disbursements	333.28	371.36	704.64
Balance	20.61	165.53	186.14

(*$200 was transferred from Dues Fund to Index Fund)

Receipts, October 10, 1933 to June 19, 1934:		
Balance in bank, October 10, 1933	$697.33	
Dues collected		
— Arrears $ 32.00		
— Current 116.00		
— Advance 33.00		
	181.00	
Refund from Medinah Club	4.67	
Refund from American Legislators' Assn.	3.00	
Sale of Journals	1.00	
Interest credited at bank	3.78	
		890.78
Disbursements, October 10, 1933 to June 19, 1934:		
Editorial work on Index	333.28	
Reporting Chicago Conference	44.79	
Affiliation dues, A.L.A., 1934	11.30	
Printing—		
Lists of members for two years	27.12	
Programs for Chicago Conference	15.00	
Letter heads, envelopes, etc.	24.62	
Multigraphing list for Standard Legal Directory	4.67	
Contribution to A.L.A. Committee on Standardization of Periodicals	5.00	
President's expenses to Montreal to plan for meeting	40.00	
President's postage expenses, etc.	17.15	
Share of extra expenses, Chicago joint banquet	11.18	
Refunds for banquet tickets not used	3.00	
Secretary and Treasurer—		
Salary for Association year ending June 30, 1934	150.00	
Postage and petties	17.53	
		704.64
Balance, June 19, 1934		186.14

President Vance: We are skimming pretty close to the sails, but at least we have a balance, and that is more than many organizations can say these days. We are very grateful to our Secretary-Treasurer for her good report, and I am particularly grateful for her assistance to your humble President.

We will now have the appointment of the Nominations Committee and Resolutions Committee and after that the rest of the Committee Reports.

For the Nominating Committee I have the pleasure to appoint Miss Parma, former President, who has come all the way from California to attend this meeting, and Mr. Baxter and Mr. Holland.

For the Auditing Committee, Mr. Feazel, Mr. McDaniel and Mr. Redstone.

For the Resolutions Committee, Mr. Conant, Mr. Roalfe and Mrs. Day.

Mrs. Mills: Mrs. Day is not here.

President Vance: In place of Mrs. Day I appoint, then, Miss Ryan.

I suppose before we have the reports of the Standing Committees we should announce the luncheon on Wednesday at the restaurant Chez Paul, 52 St. Jacques Street, about two or three blocks from the Court House. We have a very nice menu here that the restaurant offers for one dollar, and it is a typical French restaurant; they don't have any music or jazz but they have good food, and that is more important. We will go there before we go to the Law Courts. It is where the members of the Bar, the Advocates, the King's Counsellors, meet to have their lunch between sittings of the Court. I hope as many will come as possible. The members of the National Association of State Libraries are also invited and I understand they will join us there; they are able to take care of a hundred or more, but we should sign up as soon as possible and make reservations so that we can advise Monsieur Bouleau how many he will have to expect, because naturally he can't take care of many more than we tell him are coming. Also, the reservations for the banquet on Friday are to be made with Mrs. Mills, as also for the luncheon; and for the banquet it is a good idea to deposit your money with Mrs. Mills and your names, the tickets for the banquet are already printed and the cost is $2.50,—the very modest sum of $2.50,—down in Washington we have to pay $4.00 or $4.50; in Canada we get it for about half price, and the best thing about it is that they take our money. We do not take theirs in the States, in fact I never seen a Canadian dollar in Washington, I do not think anyone there would accept one, but here they take ours very gladly, which is another evidence of their hospitality (laughter).

We will now have the reports of the Committees.

The first in importance to our Association is undoubtedly the *Committee on the Index and Journal.* We have the signal pleasure of having with us the editor of the Index to Legal Periodicals, the Law Librarian of the Harvard Law School, Professor Eldon R. James. I notice that Mr. Poole is Chairman of that Committee but I rather imagine Mr. James will have more to say about the report of the Committee, and I will now recognize Mr. Poole as Chairman and you will have the Report of the Committee.

Mr. Poole read his report.

Mr. Poole: This report is concerned with the volume which covers the twelve months ending October 31, 1933.

The financial record for the period, excluding editorial costs, is as follows:

Receipts	$5,984.40
Expenses including printing, commissions to the business manager, postage, etc.	4,342.54
Net profit for the year	$1,641.86

Statement of Account

Net profit for the year (see above)	$1,641.86
Due The H. W. Wilson Company as stated in the last report	591.33
Balance to the credit of the Association	$1,050.53

This favorable balance your Committee suggests be held against the extraordinary costs being incurred in connection with the publication of the three-year cumulation now in process.

The business manager reports eighteen more subscriptions than a year ago. The excellent record is very gratifying.

Favorable as are the finances of our Index, your Committee feels it unwise to undertake greater development of the plan unless we have in sight still larger material resources. We believe it much better to continue as at present than to court disaster to the publication by hasty and expensive enlargements of the program. We are, however, constantly seeking to improve the Index in ways that will not involve undue expense.

Your Committee trusts that you have found this brief exposition of the finances of the Association's enterprise of interest. Professor James, our Editor, will give us an insight into his labors which it is believed will be even more appreciated. Although Professor James is a member of this Committee as well as the Editor, he has not seen this report, and I, therefore, venture to state that in the opinion of the Chairman of the Committee, the Association, and the Bench and Bar, owe a debt of gratitude to him for his unremunerated devotion for these many years to this work which has constantly increased in importance to the profession. The only expense to the Association on the editorial side during all this period, has been the small amounts each year which have been paid to indexers and proof readers.

Through Professor James I wish also to record the Committee's appreciation of the constant help of the Faculty of the Harvard Law School which has made it possible for us to profit by such exceptional editorship. (Applause)

President Vance: I am sure we are all very grateful for this very excellent report of the Chairman, Mr. Poole, who very modestly disclaims any great part in the work of the Committee. However, we know that only long and constant service has made the work of this Committee possible. No doubt what he has said, however, is true, that the work of Professor James and his assistants at Harvard is invaluable, and I should like to take this opportunity to record our gratitude to him for this self-sacrifice on his part in the work that has been done all these years and that has really added to the reputation of the Law Librarian and of the American Association of Law Libraries.

As I said a while ago, I do not think any work in the Libraries Association is as important as the Index to Legal Periodicals and the publication of the Law Library Journal. A great deal is written for the profession, there are a great many law books that we know we should buy, and those that we wish we did not have to buy, that we do not see the need of buying, about which we have had some discussion along that line at other meetings; but we absolutely could not do without the Index to Legal Periodicals. It is unique; there is no other Index to Legal Periodicals published in any other country or part of the world. Small attempts are made in law magazines, but I am ambitious enough to think we can do the same thing with foreign legal periodicals and show our brothers across the seas really how to do the job that they ought to be doing over there. But at least we are proud of the work that Mr. Poole and Professor James and

the other members of the Committee are carrying on. Professor James, could we have a word from you?

Professor Eldon R. James: I am very deeply grateful to you for your kind remarks, which are entirely undeserved. I do not do anything, as Mr. Poole knows when he insists upon putting these things in the report every year and not showing me the report. I think that is an excuse for not showing me the report. (laughter) There is a chemical term used with reference to certain substances which are called "catalizers". I have been told that a "catalizer" occupies the same position in chemistry that a minister does at a marriage ceremony; it takes no part in the proceedings but it brings two bodies together. (laughter) I take no part in the Index to Legal Periodicals except to see that the thing runs. The actual work is done by others.

It may be of interest to you to know something about how we pay for it. Of course, I do get an allowance from the Association that Mr. Poole speaks of,—I wish it were larger but it is not and I understand it is not going to be any larger. But a number of years ago I succeeded in getting a gift of $100,000 from the Rockefeller Foundation, which was matched by another $100,000 raised by the Law School at the time of our endowment drive. It is out of the proceeds of that that I am able to pay our part to the salary of the indexer. That fund was planned to be used for the purpose of providing the Library with specialists in specific fields; that project has not been fully carried out but it has been carried out in part. We have a awkward name for it, The Fund for Bibliographical Assistance. I hate the name but it worked with the Foundation, and so I guess it is a perfectly good name,—good for $200,000 at least! It seemed to me that no portion of that income, itself given for public purposes, could be better devoted to any project than to such a project as the Index to Legal Periodicals, which I believe is of prime importance, certainly to every law teacher, to the country, and I believe also, if he only knew it, to every practitioner, as well as to a great many others who do not realize its worth.

I do not do anything about it; the man about the Law School who does it, as he does everything else about the Law School, is Robert Anderson. He is the man to whom the indexer goes when she gets into difficulties and he is always very generous of his time and his really great knowledge, and if there is anything in the Index as it is done it is due entirely to Mr. Anderson and Miss Wharton. I am only the "catalizer".

I am not going to make a report. The report of the Committee has been made by the Chairman and you have heard it, but Mr. Vance has been very kind in asking me to make a few remarks and I am very glad to do so.

The Index to Legal Periodicals takes in now about one hundred and ten legal periodicals from all parts of our English-speaking world. I have recently added two more this spring, one at the request of a member of this Association; that one is the Panel of the Association of Grand Jurors in New York City. I had not included that before because I did not know there was any demand for it, but if there is a demand it is quite a proper periodical to be put on our list. The second one is the new New Jersey Bar Association Quarterly. I think you will find that indexed in the next Quarterly number. I said there were nearly one hundred and ten periodicals. Of course, the number varies

somewhat, a good many periodicals die out, and it may be a little more or less than that number.

Professor James here read from a prepared report.

Professor James: The Chairman of the Committee on the Index to Legal Periodicals has asked me to make what he says is not to be a report but only a few remarks. Any report, of course, from the Committee should be made by its chairman, but I appreciate very much Mr. Poole's kind suggestion. The Index to Legal Periodicals indexes nearly 110 periodicals, the number changing as new periodicals appear or as old ones drop out. To do this work, we have one regular full time indexer but when proofs for the three-year cumulated volume arrive, we have to have the temporary assistance of an additional proof reader.

The indexing of so large a number of periodicals is really quite a heavy task for one person. To take on additional assistance would, of course, require additional funds, which I am given to understand are not likely to be obtainable at the present moment. An expansion of the field of the Index to Legal Periodicals would be highly desirable but would require additional assistance and I don't see how this can be accomplished until additional funds are available.

I have not admitted to the Index the publications of local Bar Associations which are now becoming fairly numerous throughout the country and quite frequently contain valuable material, simply because to do so would over-burden our single indexer. We do include, however, State bar association proceedings and regular periodicals published by State bar associations, whenever these are available to the general public. I think it would be highly advantageous to include all periodical publications of bar associations, whether state, regional, local or special, and in my opinion this material should be indexed before we undertake any other activities.

It would be quite desirable, of course, and useful, I imagine, to a great many practitioners for us to index all legal articles appearing in non-legal periodicals and also, perhaps, articles appearing in journals of political science and economics. Today such material, particularly the latter, has very considerable importance for members of the bar. The difficulties, however, of accomplishing anything like satisfactory results in indexing this type of material are apparent. In the first place, it is difficult to have access to such periodicals in a law library. In the second place, it is somewhat difficult to determine what articles should be indexed, for, I take it, a selection would have to be made, and such a selection, even though made by competent persons, would not be satisfactory to everyone. Unless we could have a larger staff, it would not be possible for us, I think, to make much of a success in indexing articles outside the strictly legal field. Then, of course, there is a further fact that the indexing of such articles by us is not as important as it would otherwise be for they are now indexed in other publications and there seems to be no special reason why we should do work which is already being done. Hence, the desirability of a venture by the Index into this field, particularly as considerable additional expense would be involved, is somewhat doubtful.

I should like very much, if it were possible, to index a dozen or so of the

leading continental law reviews. These are not now indexed in any general publication whatever and articles in them are buried, to be resurrected only with great difficulty, but to accomplish this highly desirable task of opening up to the Anglo-American lawyer and law teacher some of the legal periodical material of continental Europe would require a staff familiar with three or four languages, at least, and, also, with some knowledge of foreign law. I am afraid that such a staff would be rather difficult to organize and certainly expensive to maintain. I wish that there were an index to continental legal periodical literature, but I am afraid that when such an index is produced, it will have to be produced on the continent and not here.

For the present, I am, therefore, inclined to believe that it is our business to do the best job we can in the field of periodicals that are strictly legal and which are published in our Anglo-American world. Here is a task we can do with prospects of something like reasonable success and whatever expansion is undertaken, it seems to me, should be within this field, rather than to attempt to go out of it into fields which are either covered by other indexes or which would require highly specialized skills, making necessary the expenditure of large funds, not now available or in sight.

The indexer is Miss Jessie I. Wharton and we all owe her a debt of gratitude for her careful and painstaking work. Miss Wharton plans to send copy to the H. W. Wilson Co., within the first week of every quarter and it always goes out never later than the tenth of the month. Proof comes back in instalments within the next three or four weeks and is read as it comes in. We could probably use additional funds here for the purpose of securing the assistance of a proof reader other than the indexer, but the present indexer desires very much to read proofs herself which she can now do except for the three-year cumulation which it is impossible for her to do completely. This delay, which is largely inevitable, accounts for your delay in receiving the Index. There will always be some delay, of course, because the indexing of periodicals received late in the last month, preceding the beginning of the publication quarter, have to be indexed even if the quarter has begun. We do not wait, however, for all periodicals bearing an imprint date earlier than the first month of each quarter. We index those which have come in by the first day of the first month of each quarter, but we do not wait for those, which although bearing an earlier imprint arrive sometimes considerably later. You will be interested to know that with one exception we now receive gratis copies of all periodicals indexed.

The preparation of the three-year cumulated volume presents a rather serious problem. When the first volume was issued, galley proofs were sent us which contained the material published in the previous three years in separate alphabets for each quarter. The combining of these separate alphabets into one alphabet meant the making of original copy on galley proofs, a highly inconvenient proceeding which consumed a great deal of time. Since then, many improvements were adopted which enabled us to get out the second three-year cumulation in better time than we were able to get out the first. We are now contemplating further improvement through the use of a bi-color proofing system. This system makes possible the printing of the proofs of all new matter

in different colored ink, so that when proof has once been read, it will not have to be read in detail again. We have now received the cumulated proofs for the three-year volume to be issued next winter and proof reading is actively going on. Next September we will receive additional cumulated proofs but the new entries will show up in red ink, instead of black, so that the old entries will not have to be read again in detail. If this experiment, for it is nothing but an experiment, proves successful and does not cost too much, we will probably continue it. We will be able to read proof continuously for the three-year cumulation every summer when work is the slackest and will not have to wait until the end of the three-year period when we would be buried under the proof for the whole period. The only proof which will have to be read in detail, just before publication, will be the proof for the last year or perhaps only for the last quarter. I have some hope that this experiment will be successful and if it is successful, it will mean we may be able in the future to save a month or so of time in getting the three-year volume into your hands.

We are always very happy to receive suggestions from any subscriber and particularly from the members of this Association, whose enthusiastic interest made the starting of the Index possible and who have continued to support it thruout its existence. I cannot promise that we will always be able to carry out the suggestions which will be made but I can assure you that they will receive the most careful consideration, so do not hesitate to let me know whatever criticisms you may have, or whatever suggestions you may care to make, which, in your opinion, would improve our work and make the Index more useful. I know that it is perfectly possible to do a better job than we are now doing and your help in enabling us to accomplish better results will be much appreciated.

Professor James: In conclusion, let me say again that I would be happy to receive suggestions from members of this Association. I cannot promise that we shall be able to carry out all the suggestions you make, because a number of factors are involved always, but any suggestion you make will be given the most careful consideration. I am sure we can do very much better than we are now doing with the Index and I appeal to all of you here and those not here to help us make it better than it is now. Please do not hesitate to let me know any suggestions, any criticisms, you may have as to the Index, whether as to the Periodicals indexed, the way we are indexing them, anything of that kind. We have been helped in the past on many occasions through subscribers to the Index and librarians having found mistakes which have escaped us, and by letting us know promptly we are able to correct these mistakes in the cumulated volume and sometimes to make inclusions of articles which for some reason or other were omitted or indexed in a way which made them not very easy to find. I can tell you we very deeply appreciate your cooperation and I do not want you to feel that you are imposing on the Committee or that the Committee is sensitive about criticisms. Write and tell us anything you do not like, any way in which we ought to do differently, anything that is in your mind to help us to make the Index a more useful publication than it is now. I am sure Miss Wharton and I will appreciate any suggestion you may have to offer. (Applause).

President Vance: I should like to ask one question of our editor. Is Miss Woodard still connected with the Index?

Professor James: Not with the Index.

President Vance: Does her name still appear on the Committee?

Mr. Poole: Miss Woodard? Yes, she is on the Committee but has nothing to do with the editorial work.

President Vance: I have not seen her since I was at Law School in 1909 and I wondered if she still had any part in the work.

Professor James: I have not received a letter from Miss Woodard for a number of years. Are there any questions anybody here would like to ask? If so, I will endeavor to answer them.

President Vance: I am sure we are very much interested in this Committee's work and very grateful to Professor James for his part, which he described so modestly as simply a matter of "catalization", but, after all, the fact that he brought those two bodies of endowments together is the greatest work of the Committee and the *sine qua non* of the Index, I am sure. I knew there was some "cat" in that bag there, but I did not realize it was so large a philanthrophy that Mr. James has been able to accomplish. Are there any questions that any of the members would like to ask? I am sure we cannot improve on the Index. Of course, it is human, since it is done by human beings, and there may be some suggestions; but it is undoubtedly unique; there is no other Index to Legal Periodicals.

A Member: We have just begun to receive the Panel this year. May I ask Mr. James whether it is going to continue to be published?

Professor James: Well, published irregularly, the contents are variable. The material varies. I put it in at the request of a member of this Association.

A Member: It is grand jury material.

Professor James: It is grand jury material. It was Miss Covington of Duke University who wrote me about it and said their Faculty used it a great deal and would I not index it, and it seemed to me they were rather valuable in a field of the law about which very little was written in other periodicals. It will begin with the current volume. We will not go back; that is rather too much to expect. We will begin with the current volume, the July number of the Index will contain the two numbers which have been published this year. They do go out with a little bit of irregularity. It is free, anybody can get it by writing to the Grand Jury Association in New York City. The address will appear in the next number of the Index. I am very glad you mentioned that. If anyone has any other suggestions about periodicals that I have not, for some reason or other, thought desirable to put in, I would be glad to go over it again. I have turned down a good many for one reason or another, and I have made it a practice to turn down the local Bar Associations' proceedings. There is an additional reason why these local Bar Associations' proceedings are not included: they are difficult to get, these Bar Associations do not have mailing lists, and they change secretaries often, and one will not follow the other secretary's practices, and it is hard to get them, but I should be glad to index them if it did not amount to a

great deal, if they are generally valuable to the legal profession, and also if we had a little more money. But we would rather save whatever surplus we have for the real major things. But they ought to be indexed and we ought to come to it sooner or later. If I could have an indexer and a half I would do it.

President Vance: I am sure Mr. James already has an indexer and a half or he would not be able to do what he has done; if we could just supply another half, I really think we ought to do it. As a matter of fact, the inquiry reminded me of a comparison we might make. Our Index is like Tennyson's brook: periodicals may come and periodicals may go, because they do, but the Index goes on forever. And if we can just sustain Mr. James in his work and give him more assistance,—well, we ought to do it, ladies and gentlemen.

Professor James: May I say a word more? I suppose everybody understands this, but I will say this,—it is the first chance I have had to say it. There has been a feeling in many small libraries that there is no use taking the Index to Legal Periodicals, because what's the good of it, we do not have the periodicals anyway and so nobody could use it. That is bad reasoning, because I think the clients of any library, no matter how small, ought to—at the small cost of the Index—be put into touch with the periodical literature of the day. And whatever validity that argument had, it has not had for a couple of years now, because we are very glad to make photostats of any article indexed, though of course not at our own expense. Only last week I got a telegram from somebody asking for a photostat of a case note in some volume a couple of years ago which was not available to him. I was very glad to do that. It seemed to me it would be a very selfish thing if we considered we had the monopoly of the information to keep just to ourselves the results of indexing in the period between publication quarters. The indexing is all done on cards, as the periodicals come in, and of course that is available to anybody in Cambridge, to anybody who comes in there and looks at those cards. It struck me a couple of years ago that it was a monopoly we had no right to enjoy and I asked Mr. Poole if he could not advertise that we would, on request, until the copy went to the printer (because you know from what I said that it goes to the printer not later than the tenth of each publication quarter and usually earlier than that)—we would be very glad to send any such subscriber inquiring all the titles on any particular subject indexed since the publication of the last Quarterly Number. So that anyone can keep in touch with what the Index is doing, almost as well as we can ourselves in Cambridge. So much for those two services.

Frequently, people want a long article photostated. Someone a couple of years ago wanted a long article in a recent number of the Michigan Law Review photostated. I wrote and sent for a copy of that number and mailed it to the subscriber. It cost him fifty cents. It would have cost him seven dollars and fifty cents to have had it photostated. But he didn't know how to get it; yet he was a lawyer! (laughter) Well, I am very glad to do it, because it does not involve very much of a burden on my office. You have those facilities which I think are not fully realized, and if anybody has anything else, any other suggestions as to what we can do for the good of the Association members, just say so. There may be other things that I have not thought of.

President Vance: I do not share Mr. James' views entirely. I do appreciate fully the importance of sticking to our last until we do get more funds, but it seems to me that with very little more expense we could possibly index a certain number of those foreign journals about which he spoke to us. The intellectual part of the work, the clerical part, it would have to be a combination, would not be so expensive nowadays because there are so many polyglots, and even lawyers with a number of languages looking for work, and I hope we may consider adding half a dozen or so of the principal Continental legal periodicals, and with, say, possibly that other half of an indexer provided,—he might be a Russian with four or five languages and a legal educattion, too, and I really think we could do it.

Have you any other remarks concerning the principal work of this Association? If not, then we will proceed to the next report, again repeating our thanks to the Committee, to Mr. Poole and to Mr. James, for their constancy and vision.

The *Committee on Regional Cooperation.* Mrs. Cupp has sent in a report which, on account of the lateness of the hour I think we had better not read. Mrs. Cupp is not here. She writes to Mrs. Mills and says she is enclosing, for the Committee, the report and is sorry she cannot attend the convention.

The President here read from Mrs. Cupp's report.

President Vance: This Committee made its first report in 1931, at which time Mr. Roalfe made a rather extensixe survey of the possibilities of regional cooperation. During the current year the Committee has considered the matter of further development of the ideas expressed therein, and herewith makes a progress report of its study, the results of which may be stated as follows:

I. That the general decrease in library budgets has added to the importance of cooperation as an association enterprise.

II. That a discussion of cooperation within a particular city, state, or region would be of little value except to those familiar with such local conditions. That these problems should be worked out by the local groups that could treat the actual, existing and varying situations in light of local knowledge.

III. That some further consideration can be given by the association to the problem generally. The following topics are suggested:

A. *The Establishment of Cooperating Areas, and the Formation of Regional Committees.* It is apparent that these divisions can not depend upon state boundaries—the number would be excessive. It might be advisable to create provinces patterned along the geographical lines used by the National Reporter System. There would however have to be a slight change in the eastern divisions.

B. *Establishment of Loan Service.* Mutual declarations by each library within a region as to

(1) its regulations regarding interlibrary loans
(2) use of library by other than normal patrons
(3) name, address, and telephone number of person to whom inquiries concerning loans should be made.

C. *Definition of "Special Collection" and of the Extent of Detailed Description of Contents Necessary.* The Committee admits that the definition of "special collection" is most difficult, and urges that the members of the association discuss the scope of the term.

D. *Fixing the Dates for Interchange and Supplementary Interchange.* The selection of a date, at sometime during the year most convenient to the majority of libraries for the initial exchange of cards representing these special collections, and then of a regular date for the exchange of additions thereto.

E. *The Adoption of a Uniform Mode of Reporting Special Collections.* If the cards exchanged in a particular area were all of one standard variety, they could be placed directly in the catalogue of the receiving library and, though they might differ slightly from the form used by the individual library, this difference would be the indicator of a special collection in a neighboring library. We suggest that the catalogue card carry the stamp of the sending library in the upper right hand corner, and that the card be patterned after the Library of Congress cards.

IV. That it would be advisable to project one cooperative enterprise in particular to be worked out by one or more regional groups. We suggest the establishment of means for the exchange of duplicate periodicals.

A. This would involve the making of inventories by each library in a given region. Correctly listing all wants in periodicals and all duplicates is the first step. No organized exchange can proceed unless each library has all necessary information instantly available. Attached is a check sheet showing one possible means of preparing such an inventory. Such a list filed in a looseleaf binder would be of value to the library for other purposes as well.

NAME: SOUTHERN CALIFORNIA LAW REVIEW BIND: 3 copies

Bound volumes		Unbound volumes		
		Single issues in library	Issues needed	Extra issues
Vol. 1 x x x				
2 x x			v. 2, complete	
3 x x x		v. 3, nos 1 (2), 4		v. 3, nos. 1 (2), 4
4 x x x				
5 x x x				
6 x x		v. 6, nos. 1, 4 (2)	v. 6, nos. 2, 3	v. 6, no. 4

B. Preparation of want lists. It is suggested that the lists of duplicates and wants be sent to all libraries in the cooperating area; and if the proper check sheets have been made the receiving library will not find it burdensome to check.

C. The actual exchange. The value of periodicals exchanged will have to be worked out in each individual case, depending each time upon the value of the thing exchanged.

President Vance: Is there any discussion on that report on this matter of regional cooperation? There is enough there, of course, to take up the whole afternoon and evening and I have no doubt we could profit greatly from such a discussion. Mrs. Cupp and Mr. Roalfe have done considerable work on it. Mr. Roalfe, as a member of the Committee, would you care to say something about the report?

Mr. Roalfe: I do not know that I can say anything, since I have not had that particular matter under consideration for some time. I think that it offers great opportunities. On the other hand, as a result of my own personal study, I am the more forced to realize how difficult it was to work out in any manner other than regional, and therefore it seemed to me that the Association could not do a great deal as such but that it was more likely that we would have to leave it to the individual librarians to work out their problems in each specific area.

It has been my hope that one of the constructive results that would have come out of the depression would be a greater development of the possibilities of cooperation with specific areas, because I think whatever other assets we may have as librarians, generally speaking we allow the narrow interest of our own particular institution to blind us to the possibility of just this very thing. And anyone who thinks seriously on the magnitude of, say, just the housing problem with respect to books in the future must realize that the time has come or is coming when no institution is going to be in a position to cover the entire field.

I do not know how we can make any suggestion upon which the meeting can act. It is always my own inclination to turn any discussion to action, but it seems to me that is not exactly possible, interested as I am in seeing something of this kind happen. Perhaps the most valuable thing coming out of a discussion would be a report that something constructive has been done in a particular section. Unfortunately in the area in which I operate it has not been possible to cooperate at all in this respect. There are three law libraries within the State, but no one of the three is yet in a position to cooperate; they are specialists to a very great extent, and therefore, as a matter of practical administration it has not arisen.

President Vance: Are there any further remarks in connection with that report?

We will proceed to the third report, the report of the *Committee on Expansion Plan.* Miss Newman is the Chairman of that Committee. We have a Round Table on Wednesday night to discuss that plan and Miss Newman wrote me she could not be here until tonight, so we will forego that report until Wednesday evening.

The *Committee on the List of Law Libraries in the Standard Legal Directory.* Miss Ryan, Chairman.

Miss Ryan: The Committee on the List of Law Libraries to appear in the Standard Legal Directory was appointed about the middle of December and the final proof went to the publishers about the first of February. We have had, I think, only two letters saying that names had been omitted, and in each instance when we checked them we found that the name was omitted by the librarian when he sent in his return card. We wish to thank the members of the Committee for their cooperation. (applause)

President Vance: We are grateful to Miss Ryan for the report of this important Committee. I personally find the Standard Legal Directory very useful and I am sure all members of the Association do.

Next is the report of the *Committee on New Members.* Mr. Schmehl, of the New York County Law Libraries Association is Chairman of this Committee and has submitted the following list of new members.[1]

President Vance: So we have a very encouraging report, in view of the work of the Chairman, and, in fact, of all the members who have brought new members to the Association. We still expect to hear from others. Mr. Rosbrook wrote from Rochester that he was sending his quota of two new members. Are there any new members to report on behalf of those present that have not already been reported?

Miss Parma: I have one from the Law Library, San Francisco.

President Vance: That is forty-six. Can we raise it to fifty?

Mr. Roalfe: I think I can guarantee one or two.

President Vance: That is forty-seven, forty-eight.

Mr. DeWolf: I just joined since I came in.

President Vance: We welcome you; forty-nine. One more to make fifty?

Mr. Daniel: I can guarantee a member after the first of July.

President Vance: Well, we can get it to fifty without much trouble. As I said, I called together the members of my staff. We are sixteen. I put it to them rather baldly perhaps, that these were hard times but we had to go over the top, and fourteen of them responded, three others were already members and the other two said they could join in a little later, so if we can get 100% membership on our small staff we in the Association ought easily to get in four or five hundred members.

We will now have the *Committee on Memorials in State Reports.* I wonder if Mr. Small would read this report of Dr. Wire's? Mr. Small is not in the room? Then I call upon Mr. Price of the Columbia University Law Library to read it.

Mr. Price read the report.

Mr. Price: To the American Association of Law Libraries at its Montreal Meeting: Your Committee on Memoirs of the Bench and Bar, as found in the

[1] The list of new members will be published in the October number of the *Law Library Journal.* (Editor's note.)

State Reports, make this as their seventh, and positively last report. We were formally discharged at the New Orleans meeting, and supposedly retired to private life. But that former chairman had become so thoroughly addicted to the game, that he would keep at it, although not supposed to do so.

On his appearance at the Chicago meeting, President Klapp called on him from the floor for a report, and he made an informal one found in L.L.J. 26: 73-74. Only a few days before that meeting six of those ten lists, sent on to the Rocky Mountain Law Review came back, to wit, Colorado, Idaho, New Mexico, North Dakota, South Dakota, Wyoming, Montana, Nevada, Oklahoma, and Utah. Four states had fallen out entirely in their sojourn in Boulder City since February 1932. It was only after repeated letters to the President on down, that we achieved this result. Of the four states, which had to be done over again, Montana, Nevada, Oklahoma and Utah, in all some 391 volumes, Miss L. L. Kirschner of the Worcester County Law Library, most kindly volunteered to index Oklahoma 164 volumes, almost one-half the number of volumes. Fortunately the slips for Utah were still on hand, and it was a short job to do Montana, and Nevada.

Some twelve states were printed in April L.L.J. with the following from our slow list, Oregon, and Rhode Island. Complete list of 58 entities is as follows, only one missing:

Alabama—Law Library Journal 25:116-117. Small.
Alaska—No Memorials. Wire.
Arizona—No Memorials. Cronin.
Arkansas—Law Library Journal 25:117-118. Jordan.
California[1]—
Canal Zone—No Memorials. Wire.
Colorado—Law Library Journal 27:31-32. Small.
Connecticut—Bar Association Annual Report, 1926:93-99. Wire.
Dakota—No Memorials. Wire.
Delaware—Law Library Journal 23:128, 25:111 } No Memorials. Wire.
District of Columbia—Law Library Journal 25:119. Wire.
Law Library Journal 26:33-36. Newman.
Florida—Law Library Journal. 25:119. Kirschner-Wire.
Georgia—169:895-896. Thornton.
Guam—No Memorials. Wire.
Hawaii—Law Library Journal 25:119-120. Wire.
Idaho—Law Library Journal 27:33. Small.
Illinois—Illinois Reports, 251:ix-xii, 253:9-19, 260:12-26, 269:11-25, 294:11-23, 303:11-30, 310:17-30, 314:11-34, 315:11-24, 333:13-30, 337:11-35. Schenck.
Indiana—Indiana Law Journal 3:586-587. Compton.
Indian Territory—No Memorials. Wire.

[1] The California Memorials and Notes are being indexed by Miss Clara Kilbourn, Assistant Law Librarian, University of California, and will be published in a later number of the Journal. (Editor's note.)

Iowa—Iowa Bar Association Proceedings. 1927:253-257. Small.
1929:260-263. Small.
Kansas—Kansas 100:xv-xvi. Ruppenthal.
Kentucky—State Bar Association Proceedings 1931:313-315. Wire.
Louisiana—Law Library Journal 25:120-121. Feazel.
Maine—State Bar Association Reports 1926-1927:107-110. Wire.
Maryland—Law Library Journal. 25:121-122 Kirschner.
Massachusetts—Massachusetts Law Quarterly 10, May 1925:68-70. Wire.
Michigan—Michigan State Bar Journal 7:194-199. Lathrop.
Minnesota—Minnesota Law Review, 15:739-740. Klapp.
Mississippi—Law Library Journal. 25:122-123. Feazel.
Missouri—Law Library Journal. 27:1. Hogan.
Montana—Law Library Journal. 27:32-33. Wire.
Nebraska—Nebraska Law Bulletin. 8:477-478, 1929-1930; 9:291, 1930-1931. Letton.
Nevada—Law Library Journal. 27:33-34. Wire.
New Hampshire—State Bar Association Report. (Not Yet Printed). Wire.
New Jersey—Law Library Journal. 25:123-124. Wire.
New Mexico—Law Library Journal. 27:34. Small.
New York—Cornell Law Quarterly, 11:519-521, Continued
Law Library Journal, 23:22. Fitzgerald.
State Bar Association Bulletin 1:479-482. Murlin.
North Carolina—North Carolina Law Review 10:108-110. Wire.
North Dakota—Law Library Journal, 27:34-35. Small.
Ohio—Ohio Law Bulletin and Reporter, 34:427. Gholson.
Oklahoma—Law Library Journal, 25:63-64. Feazel.
27:35-37. Kirschner.
Oregon—Law Library Journal, 27:37-38. Wire.
Pennsylvania—Law Library Journal, 25:124. Klingelsmith-Wire.
Philippine Islands—Law Library Journal. 25:124. Wire.
Porto Rico—Law Library Journal, 25:64. Wire.
Rhode Island—Law Library Journal, 27:38. Wire.
South Carolina—Law Library Journal, 25:125. Small.
South Dakota—Law Library Journal, 27:38. Small.
Tennessee—Tennessee Law Review, 10:217-218. Kirschner.
Texas—Texas Law Review, 7:601-605. Smoot.
Utah—Law Library Journal, 27:39. Wire.
Vermont—Law Library Journal, 25:125. Wire.
Virginia—Law Library Journal, 25:126. Wire.
Virgin Islands—No Memorials. Wire.
Washington—Law Library Journal, 25:112. No Memorials. Beardsley.
West Virginia—West Virginia Law Quarterly, 37:118. Feazel.
Wisconsin—Callaghan Wisconsin Digest, Vol. Six, 6264-6265 Chicago, 1927, Glazier. No continuations 1928 or 1929, no news since then.
Wyoming—Law Library Journal. 27:39. Wire.

It has been a labor of love, and also of time, extending at least over ten years. Our previous reports show some of the humors of the work, people promised, like the man in the scripture and failed on their promises.

Being voluntary work, we waited months and even years for work to be done, or to be printed. There yet remain to be done, the side reports of New York, Ohio, and Pennsylvania, the lower United States Reports, the Civil or Criminal Appellate Reports of a number of states. All these should be done by the rising generation of law librarians. Miss Newman of The George Washington University Law School, has taken the lead with her index of the memorials of the District of Columbia Court of Appeals. It is not hard work, not at all; a volume a minute, over and over again has been my record. Moreover there is a certain fascination about it. As near as I can make out the following is a list of the committee reports, all in Law Library Journal:

My first and solus report	L.L.J. 21:37-38
First and Second Committee report	L.L.J. 23:20-24
Third	L.L.J. 23:127-129
Fourth	L.L.J. 25:111-112
Fifth	L.L.J. 25:237-239
Sixth	L.L.J. 26:73-74

Out of 58 entities,[1] we miss returns on only one as seen by the blank space after the Golden State.[2]

All of which is most respectfully submitted, and we pray that we, as a committee, the most longstanding, and long suffering, so far in the history of this Association, may be absolutely, finally and unconditionally discharged.

President Vance: Any questions about that? This evidently is a labor of love and of very great biographical assistance to the law libraries and we are greatly indebted to Dr. Wire for his constancy and the energy which he has shown in the work of this Committee. I am awfully sorry that he is not with us, because he always adds to the meetings and we always gain by contact with his personality.

The next is the report of the *Committee on Bar Association Reports*,—Mr. Small.

Mr. A. J. Small, of the Iowa State Library, read the report.

Mr. Small: Not many changes have been made in the publication of state bar association proceedings since our report of last year, although there is a noticeable trend toward curtailment of expenses, which reflects on the publication of proceedings. A few of the states are not now publishing proceedings for the above reason; others are greatly reducing the size. There is also a tendency toward the publication of proceedings in periodicals, either in law school journals or those issued by the association—seventeen associations are now doing this.

New Jersey is the latest state bar association to begin the publication of a periodical in which the proceedings are published. The Iowa Bar Association has negotiated with the State University at Iowa City for the publication of a joint journal in which the proceedings will be published.

[1] The Editor is indebted to William Henry Harrison, and Vernon L. Wilkinson, of the staff of the Law Library of Congress, for assistance in checking the list of citations to the Memorials.

[2] Supra note 1, at page 76.

With but one exception, the exchange and distribution of bar proceedings remains the same as last year. We are still hoping that more librarians or other institutions will take over the distribution of proceedings, which will be much more convenient and dependable than to have a majority of secretaries in charge of distributions when they are constantly changing.

I have made a few tabulations in this report which may be of interest to those who are not familiar with the present situation.

Delinquent Proceedings

Alabama—No proceedings published since 1931.

Arkansas—No proceedings published since 1930.

Colorado—No meeting held in 1933.

Iowa—No proceedings published since 1932. Arrangements have been made with the Iowa Law Review (official publication of the University of Iowa Law School at Iowa City) whereby the proceedings will be published in November of each year as a supplement to that issue of the Review. Edited proceedings for 1933 and 1934 will appear November, 1934.

Montana—No proceedings published since 1928. Another volume of accumulated proceedings is anticipated in the near future.

Ohio—No proceedings published since 1927.

Oklahoma—No proceedings will be published for 1933.

Rhode Island—No proceedings published since 1929.

Vermont—No proceedings published since 1932. The 1933 proceedings will appear later in the year.

Washington—No proceedings published since 1931.

Wyoming—No proceedings published since 1930.

New Bar Journals

Iowa—Arrangements have been made with the State University law school whereby the Iowa Law Review will devote 20 pages in each quarterly issue to the interests of the bar association, separately paged and indexed to be known as the Bar Journal.

New Jersey—The New Jersey State Bar Association began the publication of a 6 x 9, 66 page quarterly in January 1934. The quarterly will supplant the annual Year Book previously published, and will contain the proceedings and articles of general interest. Subscription price, $3.00 per year.

Bar Proceedings in Other Than Regular Form

New Jersey—The proceedings will be published in the New Jersey Bar Journal beginning with 1933; the mid-winter session in the April number and the regular meeting in the July number of each year.

Suspended Bar Journals

Idaho—The Idaho Law Journal suspended publication with volume 3, number 4, 1933. The proceedings of the association were published in the

journal—a letter from the secretary of the association states that they are uncertain as to future publication of proceedings.

Previously reported discontinued journals: Dakota Law Review; Georgia Lawyer; Iowa Bar Association Quarterly.

FORMS IN WHICH PROCEEDINGS ARE PUBLISHED IN THE VARIOUS STATES

10 associations published proceedings in exclusive state bar association periodicals:

Connecticut	Connecticut Bar Journal
Florida	Florida State Bar Association Journal
Kansas	Journal of the Bar Association of Kansas
Massachusetts	Massachusetts Law Quarterly
Michigan	Michigan State Bar Journal
Missouri	Missouri Bar Journal
New Jersey	New Jersey State Bar Association Quarterly
North Dakota	Bar Briefs
South Dakota	South Dakota Bar Journal
Utah	Utah Bar Bulletin

7 publish proceedings exclusively in joint law school journals:

Idaho	Idaho Law Journal
Indiana	Indiana Law Journal
Minnesota	Minnesota Law Review
Mississippi	Mississippi Law Journal
Nebraska	Nebraska Law Bulletin
Oregon	Oregon Law Review
Texas	Texas Law Review

5 no proceedings printed at the present time:

Arizona	Also:	Alaska
Delaware		Hawaii
Ohio		
Rhode Island		
Washington		

26 associations publish proceedings in separate form:

Alabama	New Hampshire
Arkansas	New Mexico
California	New York
Colorado	North Carolina
Georgia	Oklahoma
Illinois	Pennsylvania
Iowa	South Carolina
Kentucky	Tennessee
Louisiana	Vermont
Maine	Virginia
Maryland	West Virginia
Montana	Wisconsin
Nevada	Wyoming

State Bar Associations Which Publish Periodicals and also Separate Proceedings

California	California State Bar Journal
Illinois	Illinois Bar Journal
New York	N. Y. State Bar Association Bulletin
Oklahoma	Oklahoma State Bar Journal
Pennsylvania	Pennsylvania Bar Association Quarterly
Wisconsin	Bulletin of the State Bar Association of Wisconsin

Note: The Ohio Bar Association publishes a weekly periodical entitled "Ohio State Bar Association Report", but does not publish proceedings.

Distribution of Proceedings

The State Library of Pennsylvania has taken over the distribution of bar proceedings, hitherto distributed by the secretary. I am also informed that the same library will distribute the Bar Association Quarterly.

Judicial Council Reports

Illinois—The report of January, 1931, was the first and only one ever published.

Maine—The first and only report ever published was in 1932.

Michigan—[1]

New York—A judicial council was created by an act of the legislature at its session in March, 1934.

Virginia—There have been five reports published at irregular intervals, the first in December, 1928 and the last in November, 1931. The council has ceased to function.

Washington—The third report (1931) is the last issued. The fourth report will appear in January, 1935.

West Virginia—A judicial council was created by an act of the legislature at its special session, March, 1934.

President Vance: We are very much indebted to Mr. Small for his illuminating report and for his great service to the members of our Association and to the members of the Bar and Law Schools, in compiling this data from year to year. I did not mean to mention the work of the various Committees unfairly when I eulogized the Index of Legal Periodicals Committee. I am not minimizing the work of the other Committees, their work is just as important, as also the work Dr. Wire has been doing in the Memorials, and we will say to him, as the Spaniard says, "We hope you live a thousand years," and keep up this fine and useful work.

The next Committee I believe we have is the Committee on *Supplement* to *Handlist of American Statute Law, of which* Mr. Redstone is the Chairman. Mr. Redstone, so Mrs Mills informs me, is in the other meeting of State Librarians, and we will ask him to make his report at a later meeting.

[1] A Judicial Council of Michigan was created by Act No. 64 of the Public Acts of 1929. The first report was issued in January 1931, the second report in February 1932, the third report in June 1933, and the fourth report in May 1934. Edson R. Sunderland, University of Michigan, is the Secretary of the Council. (Editor's note.)

[Mr. Redstone did not make a report at any of the later sessions. In a letter to the Secretary he stated as follows:

"I did not report as Chairman of the Committee on the Supplement to the Handlist of American Statute Law due to the fact that this work has been discontinued because of the publication of the complete Check-list of American Statute Law by the State Librarians through the Public Document Clearing House Committee and published through a grant received from the Carnegie Endowment."]

The Committee on Duplication of Law Publications, of which Miss Lyon is Chairman. Miss Lyon is not here, but Mr. Holland is a member of that Committee and I will ask him to read the report.

Mr. Fred Y. Holland (Supreme Court Library of Colorado) read the report which concluded with the following resolutions:

"1. That the publication and duplication of material in encyclopedias, services, state statutes and digests and other law books is becoming an increasingly serious problem to the librarians and to the members of the Bar; and it is desirable that steps be taken to prevent the unnecessary publication and duplication of law books."

"2. That a committee be appointed consisting of one member from each state to consider these matters, and to confer with members of the Bar and with judges and reporters and to take such action as they may think best to bring about the desired results."

President Vance: Thank you, Mr. Holland. Is there any discussion of this report of the Committee on the Duplication of Legal Publications?

Mr. Holland: If I might add a word to that report? It was my thought, too, that in addition to the recommendations they have made, which I have just read now for the first time, that it might be advisable to consider inviting the cooperation of the American Bar Association, or a Committee named by that Association, to consider this problem along with our Committee. I do not belive that thought was included there. I intended to make that suggestion to Miss Lyon but have not been able to get in touch with her up to now.

President Vance: The recommendation reads: "The Committee to be appointed to consist of one member from each State, to confer with members of the Bar and with judges. . . . " you think that you would rather have that "with members of the American Bar Association"?

Mr. Holland: Yes, I do, for it would be the most effective way of bringing about any results.

President Vance: Would you make a motion that that be amended?

Mr. Holland: Yes, I do, I think Miss Lyon would agree to that, in fact, I suggested it to her.

President Vance: Instead of "conferring with members of the Bar and so on" you would like the recommendation to be, "to confer with the American Bar Association"?

Mr. Holland: Yes, to take the matter up with them.

President Vance: "And take such action as they may see fit"?

Mr. Holland: And find out if they would delegate a certain committee to cooperate with this Association in that respect. I think they would be very happy to do that as I had a talk with the President of the American Bar Association only last month and he said the American Bar would be very glad to cooperate in every way possible, but that at this time it was not within his province to select a committee. But if we ask him to select a committee to confer with this association, he would be very happy to do it.

President Vance: Is there a second to the motion that the Report of the Committee be amended as Mr. Holland suggests?

Mr. Arthur S. McDaniel, (Assistant Librarian, Association of the Bar, New York): I will second it.

President Vance: Forty-eight seems to be a large committee. That would be about a quarter of our membership.

Mr. McDaniel: Would that Committee consider a working committee? It might be well to have an advisory committee of forty-eight, but I cannot conceive of a working committee of forty-eight.

President Vance: That is a very good suggestion, Mr. McDaniel.

Mr. Holland, would you consider that the report be amended to have a large committee, say forty-eight as suggested, but with a working committee of five, or something of that sort?

Mr. Holland: I would suggest that you reduce that still further and make it a working committee of not over three, because in my experience in a thing like this you can get three members together to consider a thing and work at it more readily than you can get a larger number.

President Vance: What is your pleasure concerning this committee, which is undoubtedly an important one?

Mr. McDaniel: Is there a motion before the house, Mr. Chairman?

President Vance: That the report be amended to have a committee confer with the American Bar Association,—in other words, particularize it, instead of having it read, "with the members of the Bar, judges and reporters," and so on.

Mr. McDaniel: May I amend that motion to read that a committee be appointed to confer with the American Bar Association, a committee of three, with power to call in an advisory member from the various states and I ask that the question be put before the house in that form.

A member: Seconded.

President Vance: The amendment is that the committee consist of three, with power to appoint an advisory committee with a member from each state. Are you all in favor of the motion?

The amendment is carried unanimously.

President Vance: Now the motion, then, is that the committee be appointed, to confer with the American Bar Association and to take such action as may be necessary to try to prevent the enormous duplication of legal publications.

Mr. James C. Baxter, (Librarian, Law Association of Philadelphia): Is this present committee to continue, to work in conjunction with this other committee, and take up the whole matter with the American Bar Association?

President Vance: I think each year the committees are to go out, just as the other officers of the Association do. The custom is for the president to appoint the committees anew each year, so this would be a new committee, isn't that true?

Mrs. Lotus M. Mills, Secretary: Would it be possible to ask the incoming president to appoint the committee in time to present something to the American Bar Association convention this summer? Otherwise it will have to go over until next year and we will have had another annual meeting.

President Vance: Yes, that is a very good suggestion. The meeting of the American Bar Association is in the latter part of August, and it would be possible to do that. I would recommend that Mrs. Mills' suggestion be carried out, that the committee be appointed immediately and proceed to contact with the American Bar Association and possibly have someone attend the meeting of the Bar Association and put the matter up to the Council. All in favor of the motion? Signify by saying "aye". Opposed? None.

The motion is carried unanimously.

President Vance: I believe that concludes the proceedings of our first meeting.

I would like to call attention to our program for tomorrow. We have the honor of having addresses tomorrow from the Librarian of The Advocates' Library, Montreal, who is a member of the Bar and a King's Counsel, M. Maréchal Nantel, to whom I am very much indebted for his assistance in working up this program. He will speak on "The Advocates' Library and the Bar of Montreal". And the President of the Bar Association of the District of Columbia has done us the honor of coming up to make an address on the subject, "A Demonstration of the Value of the Law Library of Congress to American Lawyers, Especially in the Fields of Foreign and International Law". Mr. Noel is a distiguished member of the Bar of the District of Columbia, author and successful practitioner in the field of foreign law. Also, we will have the pleasure tomorrow of hearing Mr. Hicks, our former President, Librarian of the Yale Law School Library, on the subject of "Reproducing Catalogue Cards by Photographic Method". I urge everybody to attend and bring as many friends as possible, because of these interesting addresses, and also because we would like to do honor to those speakers.

I am asked by the Secretary-Treasurer to announce that the register has been circulated and we hope everybody present will sign the register.

If there is no further business to come before the meeting, we will stand adjourned.

The meeting adjourned at five-fifty p.m.

TUESDAY MORNING SESSION

JUNE 26, 1934.

The meeting convened at ten-fifteen o'clock a.m., the Vice President, Miss Alice M. Magee of the Louisiana State Library, presiding.

Vice-President Magee: The President of the National Association of State Libraries has asked me to announce that their meeting is taking place in the next room, so if some of their members are in here by mistake, will they please note?

I appreciate very much, Mr. President, ladies and gentlemen, the honor conferred upon me in being asked to preside at this meeting of the American Association of Law Libraries, realizing all the while that President Vance would have conferred a favor on you if he had asked somebody else to perform this function.

You will pardon me, I am sure, when I explain that I was unable to be here yesterday at the opening session, because I was compelled to be at the Louisiana State Capitol to defend the Louisiana State Library from the Louisiana Tax Commission, which was proposing a cut in our very necessary appropriation. I am happy to say that, with all due modesty, I succeeded in averting this disaster. (applause) What I regret particularly is that I was not here to enjoy the address of President Vance, about which I have heard such high praise. I was also very sorry not to hear the addresses of welcome and the responses. Having heard Mr. Conant on several occasions I know what I missed in not hearing his response. I would have the good fortune, at least the compensating advantage of not knowing what I missed in that respect, but for the high tributes I have heard paid to the eloquence and ability of the speakers who addressed you yesterday. And so with all these apologies, and with deep appreciation of the honor of presiding at this session, I shall proceed with the program that has been arranged for our pleasure and enlightenment. It is my privilege, ladies and gentlemen, to present to you as the first speaker of the day, the Librarian of The Advocates' Library of Montreal, M. Maréchal Nantel, K.C., who will address you on the subject, "The Advocates' Library and the Montreal Bar."

Mr. Nantel read his prepared address, which was received with applause.

Maréchal Nantel, K.C., Librarian of the Bar of Montreal, (The Advocates' Library and The Montreal Bar): It is a great honour to be called upon to address so distinguished and learned a gathering as the one I am facing today. But this honour does not go without its duties.

I must admit that I was much flattered by the invitation of your President to be one of the speakers at your Convention. I accepted it with a mixed feeling of satisfaction and pride. But, only when I came to write down the sketch that I intended to read, did I realize the difficulty of the task which I had assumed somewhat unwittingly.

However, I take comfort in the expectation that you will not be too critical and that you will have regard to my restricted knowledge of the English lan-

guage, for the mistakes and the imperfections that may creep in the text which I now submit to you.

I chose to take "The Bar of Montreal and its Library" as the subject of this lecture, because I thought that you would be interested to know the history and the organization of the Bar of the Metropolis of Canada, as well as the conditions of admission to the study and the practice of Law in our Province. As to the Library, which has now passed the century mark, a brief outline of its beginnings, of its development, and of its present structure will show the important part that it has played and still plays in the judicial life of our City.

One cannot speak of the Bar of Montreal without making at the same time a study of the Bar of the Province of Quebec, of which it is one of the constituting Sections. The latter and the Law Society of Upper-Canada, that is Ontario, have a common origin. Both spring from that body of barristers who, from 1760 until 1791, formed the legal profession in Canada.

It is worthy of note that the Advocates were not recognized, or even tolerated in this Country so long as it was a French colony. In the preamble of a report of the local authorities in 1678, concerning the application in New-France, of the Ordinance for the reformation of Justice, which had been enacted in France in April 1667, it is said in part:

"Owing to the poverty of this country, to the inexperience of the majority of the judges, to the incapacity of the bailiffs, and in order to avoid costs to be incurred through the ignorance of the habitants who are liable to become involved in lawsuits through lack of reflexion and the possibility of obtaining legal advice, there being neither advocate, prosecutor nor practitioner in this country; nor will it be advantageous to the colony to admit them . . ."

And a marginal note to one of the articles of the Ordinance goes so far as to declare that "the admittance of advocates into the colony would be greatly prejudicial".

This proscription received the approval of Louis the 14th, in the edict signed at St-Germain-en-Laye, in June 1679, and duly registered at Quebec on October 23rd of the same year. So, under this Royal sanction the Advocates were denied the right of exercising their functions in the limits of New France.

If, however, the lawyer as such was unknown in Canada under the French rule, the litigants were not left alone in the preparation and the presentation of their cases. Certain officers were appointed in the Courts to receive the proceedings of the habitants. Besides, notaries, bailiffs and other notables used to write the briefs for the parties who were unable to do it themselves, and quite often, acted for them before the Courts. These "practiciens" as they were styled, were not legally entitled to any definite fees for their services and they were dependent on what the parties chose to pay in cash. This system ended with the French sovereignty over the country.

The law as a profession was first known in Canada immediately after the Capitulation of Montreal. As early as October 31st 1760, in his Ordinance establishing Military Tribunals, Governor James Murray enacted that the parties summoned before the Courts were to appear either in person or through an attorney. Four years later, upon the establishment of the Civil Courts, in September 1764, advocates, either English or Canadian-born, were officially recognized.

The latter, however, were allowed to appear only before the Court of Inferior Jurisdiction, the Court of Common Pleas. It was considered that the new Subjects being Roman Catholics, were prevented by the English statutory prohibition to practise in the Superior Court of Judicature. This unfair treatment raised a storm of protest among the Canadians. They petitioned the King of England to obtain justice and they succeeded in their revendications, after the Law Officers of the Crown had found that the Canadians were "not subject . . . . . to the Incapacities, disabilities and Penalties as were Roman Catholics in England by the Laws thereof".

Consequently, in July 1766 a new Ordinance was passed at Quebec, permitting "His Majesty's Canadian subjects to practise as Barristers, Advocates, Attornies and Proctors in all or any of the Courts within the Province".

Until 1785 the Advocates acted also as Notaries and sometimes as Land-Surveyors. They had their commissions from the Governor, by way of petitions addressed to him. Legal knowledge and forensic fitness were not always the qualifications urged and many, in these days, were allowed to practise law because of the services they had rendered to the Government or its officials.

This state of affairs which soon gave rise to all kinds of abuses lasted until April 1785, when an Ordinance (25, Geo. III, ch.4) decreed the separation of the three professions and established the first definite rules of admission to the practice of Law. This Ordinance provided that "for the welfare and tranquillity of families and the peace of individuals", no person was to be commissioned as advocate, attorney, solicitor or proctor at law without having served a regular clerkship of five years with some practising advocate or of six years with some clerk or registrar of any of the constituted courts of the Province.

It also enacted that no commissions were to be granted unless the petitioners had been examined by some of the most able barristers in the presence of the Chief Justice or two or more Judges of the Court of Common Pleas, and declared by them to be of fit capacity and character to be admitted to the practice of law.

In 1791, upon the division of Canada into two provinces, the Law Society of Upper-Canada came into existence and the advocates of Lower-Canada were left under the control of the Judges of the Court of Common Pleas which was replaced, two years after, by the court of King's Bench.

A few years before, the members of the Bar of Canada had felt the necessity of organizing themselves to protect their interests. Around 1779, the advocates of the city of Quebec had formed an Association under the name of "La Communauté des Avocats".

This was the first of its kind in our country and it may be said that it traced the path which, 140 years later, was to be followed by the Canadian Bar Association.

The Constitution and the by-laws of "La Communauté des Avocats" cannot now be found. But a few fragments of its minutes saved from destruction and preserved in the Municipal Library of Montreal give us a good idea of the objects which its founders had in view when they organized it.

The main purposes of the Association were: (a) to promote respect for the profession; (b) to give mutual aid and assistance to its members; (c) to

discuss all matters of interest to the Bar; (d) to maintain and safeguard its prerogatives; (e) to take disciplinary measures against those who acted against the honour and the dignity of the profession.

Although the "Communauté des Avocats" was a purely voluntary and private association, and its membership limited in numbers, its influence upon the future destinies of the Bar in Canada has been most important.

It has laid down the first Canons of Legal Ethics and Discipline which constitute to-day the most prized traditions of the Bar. Its members inaugurated the costume which is still worn by barristers of our times without any noticeable modification. And it was partly due to its efforts that the Ordinance of 1785 was enacted, which Ordinance must be considered as the first step towards the emancipation of the Canadian Bar.

The "Communauté des Avocats" seems to have disappeared in the early years of the last century and to have been replaced by the "Quebec Advocates' Library".

In March 1828, the barristers of Montreal followed this example and formed a Library Association similar to the one established at Quebec.

Both associations soon prospered because they were at the time the only constituted professional bodies existing in the Province. In 1840, they were incorporated by Ordinances of the Special Council (3 & 4 Vict. ch. 48 & 49) and owing to their importance these were declared public Acts. The two Libraries ceased, however, to have a distinct corporate existence in 1853, after they had been taken over respectively by the Bar of Montreal and the Bar of Quebec.

In 1849, it was felt that the lawyers should be free from the tutelage of the Courts and that they should become the masters of their own destinies.

Accordingly, a statute dated May 30th of that year, imparted full autonomy to the Bar. This statute is entitled: "An Act to incorporate the Bar of Lower Canada" and its preamble begins as follows:

"WHEREAS it is important and necessary for the right administration of justice, that the profession of Advocate, Barrister, Attorney, Solicitor and Proctor at Law in Lower-Canada, should be exercised only by persons capable of performing the duties thereof with honor and integrity; And whereas it is expedient for the more certain attainment of this important object, to establish more effectual regulations, with regard to the said profession, and the interest and rights of the members thereof: Be it therefore enacted . . ."

The new Corporation consisted then of a General Council and of three Sections, those of Montreal, Quebec and Three-Rivers, each of which being governed by their own Council. The General Council, composed of representatives of the local Bars was empowered to "make all such by-laws, rules and orders deemed necessary and proper for the interior discipline and honour of the Members of the Bar", and to regulate the admission of candidates to the study or practice of the Law".

As to the Sections, they were authorized, through their respective Councils:

(a) To censure, reprimand or even suspend any members found guilty of any breach of discipline, or of any action derogatory to the honour of the Bar;

(b) And also to admit the candidates to the study or to the practice of their profession and to decide upon their capacity and good morals.

Until then all these powers, as you may have noticed, had been exercised exclusively by the Judges or by the Courts.

It is from that time that the official title of Bâtonnier is given to the President of the general Corporation or of the local Sections. The origin of this title dates back to the fourteenth century when the proctors of Paris, who had just been organized as a confraternity, used to elect their senior member to carry, in the official ceremonies, the baton or banner of their patron saint, Saint Nicholas. The name has been preserved in France and in Quebec to designate the advocate elected by his "confreres" to head the legal profession.

The Bar Act was frequently amended, the most important consolidation being the one of August 1866 which was adopted on the conclusions reached by its author, Gonzalve Doutre, after an exhaustive study of the constitutions of the English and French Bars. This statute completed the work begun in 1849 and in its essentials, has been retained as the basis of our present law. Modifications have been made to meet changing conditions, but the fundamental principles have remained unaltered.

With your kind permission I will now make a short summary of the Bar Act as we find it in the Revised Statutes of Quebec of 1925, at chapter 210.

Under the name of the "Bar of the Province of Quebec", which was substituted in 1869 for "The Bar of Lower Canada", the advocates of the Province formed a corporation called "the General Corporation of the Bar". There being no distinction between barristers and solicitors, the word advocate (avocat) covers, in Quebec, all branches of the legal profession, but the notaries.

The General Corporation is divided into nine subsidiary corporations called Sections. They are: The Section of the Bar of Montreal, of Quebec, of Three-Rivers, which comprised the first General Corporation in 1849; the Section of St-Francis (Sherbrooke) established in 1853, of Arthabaska and Bedford authorized in 1886, the Section of Hull erected under the name of Ottawa in 1888, and the Sections of Richelieu and Bas-St-Laurent organized in 1930.

Each section is composed of the practising advocates domiciled in its territory.

All of these corporations possess the powers conferred upon civil corporations by the laws of the country, but none can acquire immovables to the value of more than fifty thousand dollars.

Amongst other powers, the General Corporation may make by-laws:

(a) For the maintenance of the honour and the dignity of the Bar and of the discipline among its members;

(b) For the definition of the professions, trades, occupations, business or offices which are incompatible with the dignity of the Bar, or the practice of the profession;

(c) For the determination of the mode and programme of the examinations for the admission to the study and practice of Law and of the qualifications required of the candidates;

(d) For the establishment and the maintenance of official Reports of the decisions of the courts of the province.

The powers conferred upon the General Corporation are exercised by a "General Council" which is headed by a president elected each year and known

as the "Bâtonnier of the Province of Quebec", the said council being composed of 23 delegates appointed by the Sections, proportionately to their membership. The Attorney General of the Province is "ex-officio" a member of the Council.

Library Associations can be established in certain judicial districts not yet organized as Sections upon the authorization of the General Council.

These associations as well as the Sections, with the exception of those of Montreal, Quebec, Three-Rivers and St-Francis, can be abolished by the General-Council, if it finds that their funds are insufficient or have not been used properly and judiciously.

The local Councils which are elected each year on the 1st of May annually are composed of a Bâtonnier, a Syndic, a Treasurer, a Secretary and of Councillors varying in number according to the importance of the Section.

The Syndic is specially charged with the supervision of the discipline of the Bar.

Every complaint against a member of the Bar must be made under oath before the Syndic or, failing him, before the Bâtonnier or the Secretary of the Section where it is laid.

Each Council may pronounce a censure or reprimand against a member of the Section found guilty of any breach of discipline or of any act derogatory to the honour or the dignity of the Bar.

It may also, according to the gravity of the offence punish such a member by suspending him from his functions for any period whatsoever, in its discretion, and even deprive him forever of the right of practising his profession.

It is its duty, when the occasion arises, to prevent reconcile, and settle all differences between members of the Section, or between advocate and client, concerning professional matters.

In the exercise of its disciplinary powers, the Council may have recourse to all means it deems expedient to ascertain the facts to be verified and to allow the accused to defend himself. It may summon witnesses and has judicial powers to compel them to attend and answer, and to punish them in case of refusal.

Every decision of the Council of a Section which entails the dismissal, suspension or other punishment, is subject to appeal to the General Council, but only when it appears on the face of the complaint, the decision, or the sentence, that the Council had no jurisdiction. No appeal lies to the Courts.

The following acts, amongst others, are considered derogatory and, when proved, may cause an advocate to be censured, reprimanded, suspended or disbarred altogether according to the circumstances of the case;

To hold a position or an office or to exercise a trade or business inconsistent with the practice of the profession of advocate;

To enter into partnership, either directly or indirectly, with a collecting agent or a collection agency;

To assume in an advertisement, business card, circular or letter, the quality of business or financial agent, money lender, collector or broker;

To utter any words or publish any writing contrary to the laws, to the peace and to the safety of the State;

To show any disrespect in words or behaviour to the Court or to any public authority;

To divulge a professional secret;

To commit any breach of trust detrimental to a client;

To withhold unduly, money, titles and documents belonging to a client;

To impose upon the good faith of a fellow practitioner, to commit any breach of trust, or to resort to disloyal proceedings in the course of professional and social relations between advocates;

To enter into any agreement with an officer of any public administration or with a business agent for the purpose of securing clients and business;

To share his fees with a client, or make any agreement by which the client is to share, or receive an interest in the fees;

To acquire litigious rights or debts for the purpose of instituting legal proceedings and thereby earn fees, or realize a profit, on the rights so acquired;

To undertake, or institute proceedings under an arrangement to share in the result.

Members of the Bar are allowed, however, to act as members or officers of an administrative board and to occupy positions, on a salary basis, in the law departments of business or public corporations.

Every member must pay annually and in advance, before the 1st of May, to the Treasurer of the Section to which he belongs a contribution the amount of which is fixed by statute and by-laws, and part of which goes to the General Council for the publication of the Law Reports.

The Secretary-Treasurer of the General Council must publish each year, in the month of May, a General Roll of all the advocates authorized to practise their profession in the Province.

This roll contains only the names of those who have paid their yearly fees, provided that their diplomas are duly registered and that they are not disqualified or suspended.

The clerks of the courts cannot, under pain of severe penalties, recognize as practising advocates any of those whose names are not on the General Roll or who are otherwise disqualified.

The illegal practice of law is also dealt with severely and whoever, be it a person, an association, a company or a corporation, without being an advocate,

(a) practises as such, or;

(b) usurps the functions of the profession, or;

(c) does, or claims to do any act connected therewith, or;

(d) assumes verbally or otherwise the title of advocate, or;

(e) advertises himself as such in any way or by any means, or;

(f) acts in so a manner as to lead to the belief that he is authorized to fulfil the office of an advocate is liable to a fine of from one hundred to two hundred dollars for a first offence, and form three hundred to five hundred dollars for any subsequent one.

The fine is recoverable by summary process, and belongs wholly to the Section where the offence has been committed.

I now come to the admission to the study and practice of Law

Until 1883 the examinations were under the control of the local Sections. Since then it has been given entirely to the General Council which exercises its jurisdiction through a Board of Examiners whose members are selected by the councils of the sections and appointed for three years. The sections of Montreal and Quebec must include among their nominees a professor of each of the law faculties of Montreal, McGill and Laval Universities.

The decisions of the examiners in all matters relating to the examinations are final and they cannot be annulled or quashed by the Courts even by "certiorari".

Upon the report of the examiners a certificate, or a diploma, is granted the successful candidates, authorizing them to study or to practise law. These documents are signed by the Bâtonnier and countersigned by the Secretary of the General Council.

No advocate can practise until he has taken an oath, administered by the Secretary, well and faithfully to discharge his professional duties.

No one can be admitted to study law unless he has received a liberal and classical education of at least five years duration and unless he undergoes, to the satisfaction of the examiners, a written and oral examination on the subjects indicated in the programme established by the by-laws of the General Council.

Exception is made for the holders of a degree of B. A., B. Sc., or B. L., conferred by any Canadian or British University. Such candidates are admitted without examination, by simply depositing their diplomas with the Secretary of the General Council. They must, however, comply with the other formalities imposed by the Bar Act.

No one can be admitted to practise the profession, unless he is a British subject, has attained the full age of 21 years, and has studied regularly, under notarial indenture as clerk or student with a practising advocate, during four years dating from the registration of his certificate of study.

This term is reduced to 3 years if the student has followed at the same time a regular course in a university or college in the Province and has there taken a degree in law.

A student may also be admitted after one year of clerkship carried on after he has followed a regular university law course and taken a law degree.

This is a brief and rather dry outline of the system which governs the legal profession in our Province, and having heard so much about the Bar in general you may well wonder why the subject of my address should not have been "The Bar of Quebec".

I admit frankly that I could have chosen a better title. But you have realized that our local Bar is linked so intimately with the Provincial one that it was necessary to adopt the plan which I have followed to give you an exact idea of our professional organization.

Not that there would be little to say of the Bar of Montreal. On many occasions I have given short sketches of the early activities of our Association and I only wish that one day I may have sufficient leisure to write a history which is yet to be written.

But, however fascinating these activities may be for our people I fear that, owing to their local and personal character, they would be of less interest to you.

Still, it is true to say that at all times of its history, the Bar of Montreal has played a leading part in the social, legal and political life of the Nation. Many of our greatest Canadian statesmen and of our ablest judges have sprung from its ranks. And we are proud to claim as our own not a few of the men who count amongst the most illustrious sons of Canada.

By its membership and its influence, with the volume and the importance of the legal business transacted in its district, the Bar of Montreal, by far predominates its sister Sections and has probably few equals in the other provinces. As to the number of its members, the last official list which has just been published shows that out of a total of 1472 lawyers in the Province, there are 973 in the Montreal Section alone, 248 in the Section of Quebec, the other 251 being disseminated in the remaining seven Sections.

These facts account for the financial resources which have enabled our Bar to take professionally the lead in many fields of endeavour, but especially in building up the splendid Library which is housed, quite inadequately I must confess, in the dome of the Old Court House.

In a recent editorial the Montreal Gazette said that: "The Bar Library is one of the best and most valuable collections of Law books on this continent. In the passing of the years its accumulating volumes have mounted, shelf by shelf, all around the interior of the magnificent dome of the building."

And the editor might have added that owing to lack of space and the danger of fire, we have been obliged to transfer in the vaults of the new Court House, some ten thousands books amongst which I took care to include the most ancient and rarest volumes, as well as the archives of the Library and of the Bar.

The Library has always been located in the Court House. The Bar maintains it out of its own funds, the Provincial Government contributing the rooms, the furniture and all connected accessories such as lighting, heating and like expenses.

The Bar Library was established more than one hundred years ago. The Court House was situated at the time on about the same site as that of the actual building. Burnt down in July 1844, the old structure was replaced by the existing one completed in 1857, and the Library was then lodged in the chambers which are now occupied by the Court of King's Bench. In 1894 with the addition of a fourth storey and of the dome to the Court House, it was moved to its present location.

At the date of its foundation the Advocates' Library filled a most urgent need, and a short review of the conditions existing in those days will demonstrate how necessary it was to have such an institution.

The Civil Law was still to be codified. The old French law known as "La Coutume de Paris" was mainly the law of persons and of real property in Lower-Canada, but it had been modified to a certain extent to meet the local conditions.

The laws of procedure were a medley of rules, some kept from the French system, others more recently enacted by the English Governors. And immediately after the cession of Canada to England, the English criminal laws had replaced the penal Laws of France.

In this judicial mess the Judges followed more or less their own fancy, as there were no Law Reports to guide them and to fix the jurisprudence.

In order to define or affirm the right of his client the lawyer had to resort to a mass of ill-assorted text-books, French and English. There were few privately owned libraries, and the ones in existence were hardly sufficient for their owners.

The Bar was not yet organized and in their forensic labours the members of the profession were left to their own wits. Under these conditions the practice of Law was most difficult, and this state of affairs brought a group of judges and lawyers to pool their resources to lay the foundation of an institution which soon became the Advocates' Library.

On February 1st 1828, a prospectus issued announcing the formation of a Society for the establishment of a Law Library under the patronage of the Judges of the Court of King's Bench for the District of Montreal.

The proposal was received warmly and a few weeks afterwards the four judges of the Court of King's Bench and 31 advocates had signed the act of Constitution of the Society.

On March 22nd a committee was chosen to draw up the Rules for the government of the proposed institution. These rules were ratified at the first meeting, held on March 27th, when a committee of management, composed of three members, was also appointed.

At first the Advocates' Library partook somewhat of the nature of a club. Only the Judges, the Lawyers and some Court Officers could be admitted as regular members. There were also honorary members. All candidates had to be ballotted, the admission fee varying from 10 to 15 pounds currency. The annual contribution was 2 pounds 10 shillings.

The duties of the committee of management were to attend to the engagement of the Librarian and to the purchase of the books and furniture for the Library.

Besides monetary gifts, the Society could also receive donations of works relating to law and to jurisprudence, as well as books concerning the legislation and the history of the Province. The first members availed themselves of this clause of the by-laws and, in April, they donated to the Society more than 300 books, the greatest part of which have been preserved.

In the following months the Committee purchased other works that they deemed absolutely necessary, constituting thereby the nucleus of the magnificent library which the Bar owns to-day.

In the idea of its founders the Advocates' Library was intended to be an implement to facilitate the practice of the law and to encourage scientific research. Later on, under the impulse of Chief Justice James Reid, the institution enlarged its activities and in December 1830 it became "The Advocates' Library and Law Institute of Montreal".

Under this new name the members undertook to promote the science of the law by the delivery of lectures upon its various departments, and by the offering of annual prizes attributed to the best essays written by the advocates or the law students of the Province, upon any given subject relating to jurisprudence.

The topics of the lectures were to fall within the following classification: a) Natural Law and Roman Law; b) French customary and ecclesiastical Law; c)

Criminal Law of England & Constitutional Law; e) English Law of Real Estate Property; and f) The Law of Practice & Evidence.

In compliance with this programme two lectures were delivered, in the following year, by the President, on the "History of the Roman Law until the time of Justinian"; a regular course on "Pleadings" was also established. At the same time a jury was appointed to choose the subject of the essays and to determine the nature of the prizes to be offered.

Unfortunately it seems that this commendable initiative did not last long and we soon lose trace of it in the minutes of the Society.

In 1840 the members of the Advocates' Library desiring to ensure the permanency of their institution, petitione ' the Government of the time for legislative incorporation which was duly granted.

During all these years the Library had accumulated quite a number of volumes and it had a very fine collection of books when the Bar of Montreal was incorporated in 1849. The trouble was that these books were used only by 40 members, representing at the time about one third of the legal profession in Montreal.

The new Corporation had started to establish a Library of its own, but with no great success, and it was soon suggested that the resources of the Advocates' Library should be placed at the disposal of all the members of the Bar.

In 1852 at the request of some members of the Bar Council the two bodies entered into negotiations and on February 4th., 1853 an agreement was arrived at by which the Advocates' Library was amalgamated with The Bar of Montreal.

The books belonging to the two corporations were assembled for the common use of their respective members.

The Bar undertook to pay an annual rent of 30 pounds currency and this money was to be applied to the purchase of works that would remain the property of the Advocates' Library.

With the uniform fee of one pound currency payable by the members of both associations, books were to be bought which the Bar would keep as its own. The latter took charge also of all the expenses connected with the maintenance of the Library, which was administered by a joint commiteee of six members, appointed each year in equal number by the two institutions.

The Advocates' Library continued to exist for some time, but with the disappearance of its members it was not long before it was absorbed by the Bar which is now its absolute and undisputed owner.

However, more than memories have been preserved from these olden days. The stamp printed on the back of our books still bears the inscription of a hundred years ago.

And to-day as in 1834 the Library is managed by a Committee, appointed annually by the Council of the Bar which has replaced the Council of the old Library Society. The annual rent provided for by the agreement of 1853 is not paid any more, but instead the Bar grants the Library Committee a substantial annual allowance which goes for the purchase of books, the binding and the subscriptions to reviews and periodicals.

The absolute control of the Library including that of the Librarian and his assistants, is vested in the Committee subject to the approval of the Council of

the Bar, as regards appointments and salaries. The Committee must also submit annually to the Council a report of its management of the Library and the condition thereof.

I have spoken too long already to explain in detail the organization of the Library. I wish to say, however, that contrary to the rule of most of other Libraries, the members of the Bar have free access to the books on the shelves. For this reason and also because of the two legal systems existing in our Province and of the two languages used we had to adopt a method of our own in the classification of the books. As much as it was possible, we have placed on the main floor, in the more accessible shelves, the works that are more frequently required, grouping in the same class the volumes treating of the same subjects. I would have preferred to follow strictly the logical order of the divisions of the Law, but the disposition of the bookcases did not always permit it. We adopted, in certain cases, a less rational but more practical plan, in order to make the consultation of authors and the research work easier and more rapid.

On one side of the main room we have classified the Statutes, the Official Gazettes and the Judicial Reports. On the other have been placed the History, the Doctrine, the Commentaries, the Encyclopedias and the Dictionaries. Each shelf is numbered and a small card fixed on the frame of the bookcase indicates the subjects which are shelved therein.

We have, as a rule, for each subject, sorted the books by alphabetical order of the writers' names. However, some larger or more important subjects, as Insurance, Companies, Corporations and the like, have been subdivided to facilitate the researches. In such cases, the general works have been placed first, the French followed by the English, and then the special treatises without distinction as to the language. The authors on codified laws are classified similarly in the order of the chapters of the Codes. The ancient law, still in force, has been intermingled with modern law and special periodicals or reports are found with the subjects to which they relate.

With this system, those who frequent the Library can get easily at the works that they are looking for and little use is made of the catalogue which is on cards classified in alphabetical order, one section containing the names of the authors, and another the subject-matters.

It is now about time that I should end this narrative on the Library of the Bar of Montreal. Allow me to say, in conclusion, that if the general public is somewhat unacquainted with it, the judicial world knows that, in Canada at least, very few Libraries can be compared to it, in the realm of the Law.

The 300 and odd volumes of its modest beginnings have grown to an assemblage of more than 40,000 books which permit to elucidate all legal problems, no matter how complicated they may be.

To the early donations have been added in the course of time many works of priceless value dating from the 16th and 17th centuries, as well as a number of incunabula on the law and the political history of the country.

With the coming of the Codes in France and in Quebec the commentators on Civil Law and Procedure found their place in the Library. After the Constitutional institutions had been definitively established complete sets of the

Parliamentary Debates and of the official federal and provincial publications were obtained.

And gradually collections of the Laws of Canada, of England, of France, of Belgium and of the United States constituted a most important section which was completed by the series of the Law Reports from these countries.

Year by year, the Committee has used its augmented allocations to endow the Library with the best of authors in all branches of legal science, whether it be Roman or Canon Law, Civil Law or Procedure, Criminal Law or Private and Public International Law, Constitutional or Administrative Law, or else Political Economy, Legal History and Philosophy of the Law.

Finally, Encyclopedias and Dictionaries of all kinds, old and new, are available to make plain a doubtful word or illustrate an ambiguous expression.

The Committee is always on the alert and it never fails to provide the Library with all the works that may be useful to the Judges and the members of the Bar.

Truly, the Advocates of Montreal are justly proud of their Library. Its books are more than mere instruments in the performance of their daily task. They are the soul of Law and the spirit of Justice. They remain, especially the ones preserved from the days gone by, as the most eloquent witnesses of the noble and beloved traditions which, in the past, have made the strength of the Bar, as they will, in the future, assure its supremacy. (Applause)

Vice-President Magee: We have just heard a most interesting, illuminating address upon the history of the Canadian Bar, and I am sure that I voice the sentiments of everyone present when I say that we look forward with increased delight to the visit to the Advocates' Library tomorrow.

It is a fact not generally known, perhaps, but it may be of interest especially to the Canadians present, to hear that Canada has furnished Louisiana with two Governors, H.S. Thibodaux (1824) whose wife was the granddaughter of Jacques Cartier, the great French Navigator and discoverer of Canada, and Alexander Mouton (1843-46) to whom belongs the distinction of having been the first Democratic Governor of Louisiana. Both held various offices in Louisiana before becoming the Chief Executive, and both served the State with consummate skill, ability and wisdom from their entry into the political life of Louisiana until the Great Architect, in his infinite wisdom removed them from their earthly spheres of usefulness. We revere their memory and we can never forget that Canada gave them to us. And we feel that in this way we are akin to Canada.

The next speaker on the program is Dr. F. Regis Noel, President of the District of Columbia Bar Association. If I were to attempt to enumerate the honors conferred upon Monsieur Noel, I would consume the entire time left for this address, and we are very anxious to hear him speak on "A Demonstration of the Value of the Law Library of Congress to American Lawyers, Especially in the Fields of Foreign and International Law."

Dr. F. Regis Noel: Miss Magee's statement that some introductory remarks would take as much time as the address is exaggerated, when we consider the size of the address. (laughter) I made the suggestion yesterday that this should

be condensed perhaps, but I was told that librarians were very enduring and could stand almost any amount of punishment. (laughter) As you will note from the title of this address, it is almost necessary to mount the philosophical Pegasis in order to cover it, taking in the Law Library of Congress and then all these different legal systems. However, if you can stand it, why sit, and if you cannot and you want to go out, you will not offend me in the least.

Dr. Noel read his prepared paper, which was received with applause.

Dr. Noel: In an effort to obtain surcease from the depression, New Deals, Constitutionalism, Dillinger-ism, brain trusts and hot weather, this kind invitation to spend a few days in the bracing ozone and serenity of Canada was gladly accepted. Crossing the boundary, naturally the thought occurred that this address must be some way international in character, that something must be done or said pleasing to our gracious hosts. Before leaving Washington, with this in mind, a strenuous effort was made to carry back the mace of the Parliament of Ontario from the Naval Academy Museum as reciprocity for the return by the Bishop of London of the Mayflower Log, which not only made possible the establishment of the United States but its proper preservation. I failed in this, perhaps because too many of my compatriots do not appreciate the value of symbolism, but principally, I am sure, because I do not fit in with the reigning American family. So, something of international interest must be said. Of course, libraries, being the great, organized treasure-houses of recorded thoughts, not only international but also eternal and trancendental in character, makes a wonderful topic. However, being what you would label a layman in that field, my efforts are necessarily confined to the type of library I know a little about, that is, a feeble account of that repository which the practicing lawyer considers the monumental collection in the United States,—The Law Library of Congress, directed by our good friend, John T. Vance.

The Law Library of Congress contains, I believe, about three hundred fifty thousand books on the general subject of history and philosophy of law, treatises, legislation, jurisprudence and reports. The bulk of the collection is in a wing of the Library of Congress building. Other portions are in the Capitol building, adjacent to the United States Supreme Court, smaller collections are in various parts of the Capitol, accessible to legislators, and smaller portions in the studies of the Justices of the Supreme Court. It is generally stated that the nucleus of this collection was the private library of Thomas Jefferson. It seems that accretions have been hampered by lack of interest of the legal profession and sparsity of appropriations; hence building this particular collection has been an up-hill, albeit successful job.

It is easy to recall instances in which the resources of this Library were the only ones available and of invaluable service to leading officials of the Government—not to mention their constant use by attorneys representing private litigants. Such cases as Hudson vs. U.S., 272 U.S. 451, in which translations of old English Year Books were resorted to; Neilson v. Johnson, 279 U.S. 47, where numerous treatises on Medieval, Spanish and French laws were examined; Paquette Habana, 175 U.S. 677, in which citations were made from

"Cleirac's Us et Coutumes de la Mer" to Bynkershoek's "Quaestiones Juris Publicae", come spontaneously to mind.

Another commonly known use of the collection was in a series of cases growing out of recognition of the Soviet Republic, involving religious property and property of aliens particularly. In these cases the Library's almost unique collection of Russian Law was essential. The collection of the Laws of the Commonwealth of Australia were resorted to in a case won by our Government in which your fellow empire-builders sought to tax employees of the American Consulates there. In a Court of Claims case involving reciprocity under our Tucker Act, the Czechoslovakian laws readily available in this collection were controlling. Laws of the Virgin Islands, Statutes of Henry VII, and the Laws of the Straits Settlement have been in issue before our Supreme Court, requiring books from this Library in their interpretation. And, I have no doubt that my good friend, William R. Vallance, Assistant Solicitor of our State Department, is constantly using the collection of your Canadian laws filed there in preparing a claim against your Government for the "I'm Alone" contest.

This law division is, as you may well conclude, scientifically arranged, the staff intelligently efficient and always courteous. Having thus described, generally, this Library, in which I have often agreeably worked, I shall proceed to discuss another mutual interest, closely akin to a Law Library, which tends to promote international understanding and good fellowship, first declaring that practically all my information was gleaned from the Law Library of Congress.

This is, indeed, a pleasant opportunity for some missionary work in a field which the members of the legal profession of every country in the world have almost neglected, the development of international good feeling, based on acquaintanceship and resultant friendship among the recognized leaders of civic affairs—the lawyers. Too many lawyers in every country know little or nothing of the legal systems and practice of the profession in other countries.

Six or seven years ago, at a gathering such as this, I heard a highly publicized New York lawyer, head of a firm of two hundred individuals or more, in glorifying the English system in all its details, express regret that the American Revolution had occurred, because, he claimed, it deprived us of the splendor that he thought he observed, concluding with the description of the Lord Chancellor in state, with the wool-sack on his head! It was unnecessary to rectify his mistake as to which end of the Lord Chancellor's anatomy was cushioned from shock by the wool-sack; but a Canadian lawyer who was present charmingly corrected the expression as to the effect of the American Revolution by stating that it was the best thing that could have happened for America, England and Canada, because it taught the English a different and incomparably better colonial system.

On the other hand, three or four years ago, there was a large body of English, French, Scotch and Irish judges and lawyers in the United States, among the group the outstanding men in each country. Six or seven of them were found looking for Red Indians and buffaloes in a park near the Stevens Hotel in Chicago, which indicates that what they knew about American life was gleaned from inaccurate films. Their knowledge of our legal system was in

about the same proportion. They very much appreciated a little volume which was distributed when they visited Washington, telling them in brief form about the various legal set-ups and functions among us and outlining our judicial system.

I have a very strong feeling that even a poor discussion of the contrasts between the American, English, French and German systems will interest you, although a more capable missionary could arouse high enthusiasm on his subject. Realizing that in your midst I am on difficult ground, I hope that those among you who know more about this subject than I do will be indulgent, and not walk out.

It will be orderly to notice the English system first, because it is more nearly like ours, that is, they have Mayor's Courts, County Courts, Appellate tribunals and a supreme tribunal, and much the same substantive law. Their supreme tribunal is the House of Lords, but in modern times there are certain gentlemen called Law Lords who constitute this Court in the trial of normal cases. The Law Lords' membership in the House of Lords does not depend on heredity, but they are appointed because of distinction in their profession and because of their judicial accomplishments or present position; hence their number is variable. The Lord Chancellor, second in rank after the King, is head of the judiciary and president of the Chancery Division; while the Lord Chief Justice ranks next to him and is head of the King's Bench Division. The only occasion on which the full House of Lords would sit in a cause would be some outstanding criminal trial with a political aspect, such as felony or treason. But ordinarily a small group, I am not able to say just how many there are, but it seems to me there are now seven constituting this supreme tribunal. The Law Lords, while hearing cases, wear no gowns, wigs or anything but ordinary morning suits or business suits, and lounge informally beyond the Bar in the Chamber of the House of Lords. The barristers appearing wear gowns and wigs and stand on a platform, with a bar around it, like a balcony. I am almost certain a barrister must be a King's Counsellor or a Queen's Counsellor, depending on the sex of the sovereign, in order to argue at this Court, which means that he must be assisted by a junior. A King's Counsellor is a barrister, who, through years of successful practice, has reached the stage in his career where his standing entitles him, and his pocket-book affords him the appointment by the King at the instance of the Lord Chancellor. He then is said "to take silk." A King's Counsellor cannot take any case unless he is associated with a junior, that is, a regular barrister, and this means that he cannot afford to be retained except in cases where the fee is sufficiently large to compensate a solicitor, a junior and a King's Counsellor. So, a barrister takes somewhat of a chance when he gets himself appointed as a King's Counsellor, because he is no longer in position to take ordinary cases with smaller fees.

There is a sharp distinction, as you know, between solicitors and barristers. Only the barristers are permitted to address the higher Courts. As a general rule they do not come in touch with the client or his witnesses. On the other hand, the solicitor contacts and interviews the client, works up the evidence and gets in all a dossier, along with some law, which is submitted to the barrister chosen by the solicitor, under an arranged fee for appearing in Court in the

matter. The solicitor or his client picks the barrister and marks the fee on the brief, which must be paid.

Solicitors draw deeds, contracts, do probate work, issue writs and all such matters, and barristers do none of this work. A considerable amount of practice before County Courts and Police Courts is permitted to solicitors. Practically all the barristers are organized in a group under what is known as the Bar Council of England, while the solicitors are organized in a group under what is known as the Law Society. Every barrister is required to be a member of one of the Inns of Court, which means that they must have joined and studied their law under the tutelage of one of these Inns. The origin of the Inns was in the Middle Ages. At one time there were Lincoln's Inn, Gray's Inn, Middle Temple, Inner Temple, Sergeant's Inn, Clifford's, Clement's, Lyon's, New, Strand, Furnival's, Thavies, Staple's, and Barnard's; but only the first four mentioned survive.

"The Territoriality of Sea Routes" basis of the long continued but fruitless search for the Northwest Passage, was propounded in the Middle Temple, and Adrian Gilbert, a Middle Templar, in 1584, was granted a charter for "Colleagues of the Fellowship for the Discovery of the Northwest Passage." Sir Francis Drake, who established the supremacy of England on American seas, was a Middle Templar, as was Sir Walter Raleigh, greatest champion of English colonization in America. One of the commanders of Raleigh's expedition was Phillip Amados, a member of the Middle Temple, who was fined by the Benchers for absence from his studies while on one of the expeditions. The participation of Sir John Popham and Sir Edwin Sandys, both Middle Templars, the former a Treasurer of the Inn, Speaker of the House of Commons and Chief Justice of the Queen's Bench under Elizabeth, as well as a reputed highwayman, are well known. Indeed, it is reliably reported that the Virginia Company was organized by Popham in Middle Temple Hall. Sandys was draftsman of the Virginia Charter in 1606, which provided the radical departure that the colonists should have "All the liberties, franchises, and immunities of British subjects." Sandys, in 1614, declared before the Privy Council the doctrine that even the royal authority depended upon a clear understanding "that there were reciprocal conditions which neither ruler nor subject could violate with impunity,"*** a distinct prototype of the American Declaration of Independence. Sandys' genius disclosed that successful settlement of the colonies depended upon delegating to them a measure of political authority, and he wrote this principle into the Charter of 1612 and enlarged upon it in the Charter of 1618,—the first seed of truly representative government in America. By this charter, freedom of speech, equality before law, and trial by jury were guaranteed.

Prior to 1815, two hundred thirty-six American-born students attended the Inns of Court, one hundred forty-six of them the Middle Temple, which was the most popular of the four Inns of Court among the colonists. More than one-half of the two hundred thirty-six were admitted between 1750 and 1775. Forty-three went to Inner Temple, thirty-two to Lincoln's Inn, nine to Gray's Inn, and six were members of more than one Inn. Seventy-four were from South Carolina, forty-nine were from Virginia, twenty-nine from Maryland, twenty-three

from Pennsylvania, twenty-one from New York and nineteen from Massachusetts. Stephen Lake was the earliest American admitted to any Inn. He went to Gray's Inn in 1668.

Benjamin Lynde attended Middle Temple in 1692, and Paul Dudley in 1697, both becoming chief justices of Massachusetts. Abel Ketelby, admitted to Middle Temple in 1693, became Landgrave of South Carolina and an agent for that province in England; Thomas Kimberly, admitted the same year, became Chief Justice and Attorney General of South Carolina. Sir Alexander Cummings, a member of the Scottish Bar and Middle Temple, visited America in 1730, and took back with him seven Cherokees. He presented the Indians to the king, resulting in a treaty of both "peace and friendship" drafted by Sir William Keith, a Templar, and afterwards executive of Pennsylvania.

Arthur Middleton, Edward Rutledge, Thomas Rutledge, Thomas Heyward and Thomas Lynch, signers of the Declaration of Independence, were South Carolina members of the Inns. The brothers, Hugh Rutledge and John Rutledge, the latter president of the Continental Congress, Chief Justice of South Carolina, and Chief Justice of the Supreme Court of the United States, were members of the Middle Temple. Charles Cotesworth Pinckney was a member of the same Inn. Benjamin Smith, aide-de-camp to General Washington, was educated at the Inns of Court. Biographies of Americans attending the Inns of Court prior to the Constitutional Convention have been ably written by Edward Alfred Jones, M.A. in his recent publication, "American Members of the Inns of Court." A complete reference to the names would be out of place here; but a hurried glance discloses the Lees and Byrds of Virginia, the Carrols, Calverts and Keys of Maryland, McKean of Pennsylvania, Jared Ingersoll, first Attorney-General, John Dickinson, "Penman of the Revolution," Governor of Delaware and Pennsylvania and signer of the Constitution, the Livingstons and Atwoods of New York and many others.

Of course, the prospective barrister can study at the University or in an office, but he must comply with certain requirements as to attending lectures, eating dinners, passing examinations and so on over a period of say three or four years, at his chosen Inn. The head of every Inn is an officer known as the Treasurer, who is elected from what are known as the Benchers, and the Benchers are the old and successful members of the Inn, the other individuals being known as members of the Inn. Every Inn, in the old days, was a complete institution for educating and preparing students for the practice of the law. Among the buildings is included a handsome dining hall and generally a chapel as well as a number of chambers or offices. The respective Inn and the Counsel of Legal Education control the education of the neophyte. The Bar Council participates in the regulation of practice before the Courts in England, disciplines the barristers, and is ever on the alert to protect the interests of the barristers.

The career of a barrister in England is an enviable and honored one, and fully seventy-five per cent of the barristers in England, although not deriving a living from their profession, do not complain, because they and their families get the social standing desired. I have been told that there are not more than four hundred barristers at the whole English Bar whose profession more than supports them, but they have either inherited money or married it. Instead of

paying twenty-five or fifty dollars to be admitted to take the examinations for the admission to the Bar, the general rate in the United States, I am told that joining one of the Inns of Court, depending on which one it is, may cost from twenty-five hundred to seventy-five hundred dollars, and this must be paid before the student starts to study for the Bar.

The solicitors get their education very largely at the Universities, but some considerable supervision is exercised by the Law Society. Of course, being in reality business men trained in the law, they are not regarded as on the same plane, even among themselves, as are the barristers. It is not nearly so expensive to become a solicitor as becoming a barrister, and there are, consequently, a very much larger number of solicitors and they really make good incomes. The field of the barrister is closely restricted to presenting matters to the Courts while the solicitors can operate in almost every phase of business organization, administration of estates, and preparation and execution of papers, etc.

Every barrister also has a necessary functionary, called a clerk, and the clerk usually is an extremely arbitrary person. He runs the barrister's office, and is entitled by custom to a certain percentage of all the fees that the barrister earns. The fees pass through the clerk's hands first, and he takes out his prescribed portion and gives the balance to the barrister. He makes the appointments and gets everything in such shape that all the barrister has to do is to sit at his desk, become acquainted with the brief and then pick up the brief and go into court and argue the case.

The barristers, as you know, all wear wigs and gowns in court, whereas the solicitors wear ordinary dark business clothes. There are very few lady barristers.

A brief discussion of a typical English court scene may explain a good many points. Courts are held in the counties during the well-known English terms, but in London, as in one of our large cities, they are in session practically all the time. The Civil Courts of London are now all in one building, known as the Law Courts, located at Temple Bar, nearby the site of the ancient Inns of Court. The Law Courts were built in approximately 1875. Prior to that time all of the Courts, with the exception of the criminal court, which was held in the Old Bailey, long since razed on approximately the same spot which the Law Courts now occupy, although the name still lingers for the Criminal Courts, were in historic Westminster Hall—which must not be confused with Westminster Abbey. Westminster Hall, now a shrine and the vestibule to the Houses of Parliament, was the home of the English legal system while the Tower of London was the focus of English political life. The English court-rooms are generally smaller than ours and furnished somewhat like clinics, with steep banks of seats and desks and the judges' benches more elevated than are ours. The barristers sit in the front rows with their clerks and solicitors beside or at their backs to prompt and advise them. The judges wear handsome wigs, their gowns are highly ornamented and they are escorted by flunkies or lackies in gaudy uniforms and carrying maces, staves, spears, or halberds. At the opening of a criminal court the judge is preceded by an attendant who scatters artificial flowers throughout the court room and puts a nose-gay of artificial flowers on

the bench. There is great pomp, ritual and solemnity to impress the imagination of the people, and the courts are, without exception, rigidly conducted.

In a criminal trial the matter is fully investigated and reported by the Police Department, the investigators testify and the defense is briefed, all to such an extent that in most cases there is little need for testimony from the defendant, and generally about all the defendant has to say is by way of exculpation. The police and Government detectives in England are high-class and dependable individuals, and seldom is their usually unbiased testimony questioned. An indictment is seldom brought unless it is fully justified and can be proved beyond peradventure.

On the whole, I believe that the judges in England are more carefully selected for ability and the barristers better educated than in the United States. Except for an occasional tyrant on the bench, it seems that both the Bench and Bar in England are made up of gentlemen. There one seldom, if ever, hears any shouting or protracted argument. The judge takes a more active part in the conduct of trials, and rigorously applies the rules of evidence; objections and exceptions are seldom mentioned.

Compensation for judges is considerably higher than in the United States, France or Germany. The distraction of looking for promotion on the bench has been removed by custom; official positions are filled by men of ripe age and largely suggested by the Bar because of rating. A characteristic of English Courts is that ordinarily judges sit singly or in small groups. No civil case is heard before more than a single judge unless it is an appeal, for which there are unusual facilities, it being possible to appeal a civil case three times. There are no localized appeal courts. Unlike the United States, France and Germany, there is no ministry of justice or political head of the governmental legal unit. As in the United States the lay element on the Bench is present in the lowest criminal and civil cases, in the form of Magistrates Courts, Petty-Sessions Courts, and Quarter Sessions-Courts in the Provincial counties.

In the point of salary the Lord Chancellor is paid ten thousand pounds; the Lord Chief Justice eight thousand pounds and the Master of the Rolls six thousand pounds; the Law Lords six thousand pounds each; the thirty-three Lords and Justices of the Supreme Court get five thousand pounds each; and the thirty-five County Court Judges fifteen hundred pounds each. Eighty-five of these one hundred and one judicial posts are made on the recommendation of the Lord Chancellor.

No American Court ever adopted all the law of the Courts of England or imitated, in its entirety, the English practice. Obviously, the English system, in its entirety, never could have fitted and suited a pioneering people. The more nearly we become cosmopolitan the more nearly the English system would suit, and surely no one could ever contend that it would be adaptable even today. Books and articles written on comparisons of the English and American legal systems or the French and American legal systems, frequently to the discredit of the American system, are as inaccurate as they are tiresome. There is not one single feature or item which could become a complete premise for a comparison. The English are a homogenious, more or less phlematic people, closely packed within the confines of a small island. In temperament, one individual is con-

siderably like another. The educational standard is higher than ours and illiteracy almost negligible. The general knowledge of laws, political science, and kindred subjects which induce respect for law, order and authority are more widespread and deepset. Our people are an unassimilated conglomeration of all races, with varied ideals and temperaments, scattered over an extremely wide area. No system would harness us except our own peculiar American system, and even it of late fails to accomplish the purpose. The English police long ago found out that they could handle riotous crowds better with sticks than guns; our police fail with hand grenades and machine guns and appeal to the underworld in extreme cases. On the other hand, much has been written about the absence of crime in England, and quick apprehension and conviction of criminals, in comparison with the American method. If the United States were about the size of Oregon, with a population of 46,196,945, entirely surrounded by seas and about six closely guarded avenues of escape, more of our criminals would be detected and less crimes would be attempted. In England there were, until recently, no "smash and grab" cases, as they call bank and pay-roll robberies. On the other hand, most readers have forgotten the kidnapping of a Russian ex-General on the streets of Paris about the same time that the Lindbergh child was kidnapped. The Russian disappeared more completely than even the Lindbergh victim, for no trace of him has ever been found.

I have attended a great number of trials of causes of all classes in England, English colonies, and in France, as well as elsewhere, and have never been able to see any evidence that they are more accurate or speedier than ours. One case was argued in the House of Lords, arising from some faulty patented building blocks, which was later, on practically the same grounds, tried in our local courts. Our lone Equity Judge worked out as substantial justice in about the same length of time as seven Law Lords. I have seen the unwritten law pleaded in England in a case in which there was no question at all but that the defendant was guilty. She boastingly admitted throwing vitriol on her husband in a fit of jealousy; and the jury did not even leave the box before acquitting. What was the recent Barney case but an appeal by Sir Patrick Hastings, one of the leading English barristers, to the unwritten law? How can we classify the case of Olive Wise, sentenced to death two years ago for the murder of her child, reprieved and discharged from jail with her prison-born twins? I remember attending one day's session of the Central Criminal Court in London during which seventeen bigamy cases were called, but I cannot recall but one bigamy case tried in the District of Columbia during the last twenty years.

Another observation that generally can be made is that English criminals are extremely refined in their crimes. Almost every crime discussed in an English Court is one that is perpetrated in a manner of which no American would think. About two years ago, the English newspapers were aflame with the trial of a murdered, whose name I do not recall. In an effort to escape five or six different wives by extinguishing his identity, he enticed a tramp to ride in his automobile. He got the tramp drunk and on a lonely spot set fire to the automobile. The first impression was that the bigamous husband had been burnt in an automobile accident. This is an example of what I mean by refined crimes.

One English equity case is worthy of notice as refuting the terrific speed

at which English Courts are supposed to travel. The question was the shutting off of ancient lights by a modern building. Models of the two buildings were erected in front of the bench, and during the two weeks that I was able to drop in on the trial, although it lasted much longer, architects and bewigged lawyers were poking fingers and lead pencils in and out of windows, and measuring spaces with a graduated scale. This case may be cited in contrast with the futile effort made to introduce in our Sinclair trial, for the enlightenment of the jury, a relief map of the Teapot Dome Oil leasehold.

The dominant feature of the English colonial system seems to be its paternalism, if practicable, and if not, then a somewhat tyrannical and martial form. Last summer a magistrate in Rangoon, India, told John D. Batchelder, Esquire, lawyer and traveller, that there were seventeen hundred murders in one year in that District and only ninety-three convictions.

The London Times, in June or July, 1931, carried an editorial to the effect that in England there was an average of one undetected murder a month. I carried the clipping in my wallet, but have mislaid it.

Crossing the Channel to France, French territory is divided into a certain number of districts. The smallest unit is a "canton", determining the jurisdiction of the justice of the peace. A certain number of "cantons" form an "arrondissment," determining the jurisdiction of the lower civil court, and of the commercial court where it exists. A certain number of "arrondissments" form a "circonscription" determining the jurisdiction of the court of appeal. Above the court of appeal there is only the Court of Cassation whose jurisdiction extends to all French Territory. The tribunals of arbitration are created by a special decree and the scope of their territorial jurisdiction is determined by that decree.

The justices of the peace, the judges of the civil courts, of the Court of Cassation, and of the divers administrative tribunals are appointed by the President of the Republic. Once appointed, they cannot be divested of their office, except as a punishment pronounced by the Court of Cassation, sitting in full bench, when they have reached the age limit, when the court in which they sit is suppressed or when they are transferred to another tribunal with the same position and the same dignity. The judges of the tribunals of commerce are elected by all the men of trade. They must be French citizens, in trade during at least five years within the jurisdiction of the tribunal to which they are elected. They are elected for two years and reeligible twice; a period of one year must elapse before they can be elected again. The judges of the commercial courts can, while they exercise their functions, continue their trade, and they may also be senators or members of the Chamber of Deputies. They are not subjected to the authority of the Court of Cassation, but only to that of the Minister of Justice and of the Court of Appeal. Therefore, one of the most important judicial functions is exercised by judges who are not trained in the law. Is that the reason the statistics show that they have less judgments reversed than their colleagues of the civil courts who are professional jurists?

The same qualifications apply to the judges who settle controversies arising out of the contract of employment, the "prud'hommes", who are elected, half by the employer and half by the employees.

While the English have always maintained a high-type of judiciary by much the same method as their Bar, namely the following of serious and determined, although unwritten, policy, in both France and Germany the judges are furnished by a unique method, generally supposed to have originated with Napoleon. The plan has worked out better in Germany than in France. The legal student may join the various groups of advocates or he may go into the parquet, an official group. The parquet splits into two groups, a judicial section and a prosecuting or government attorney group, designed respectively for the purpose of training for the bench or government legal service. Within the parquet an individual may switch or be switched back and forth, but there is no crossing over from the advocacy group to the parquet group. In other words, judges are trained, become career men and are promoted in much the same manner as our civil service and Army and Navy members.

At this point a sharp contrast can be made with the American system, which explains the general weakness of the United States bench. Too many judges in the United States are on the bench for the same reason as baseball players, in other words, because of success in politics, rather than in law. And, added to this, promotions on the bench are not prescribed; hence, unconsciously, incumbents keep a weather-eye cocked at public opinion and political exigency. If the Bar of the United States would seriously accept the responsibility of suggesting judges, as in England, or they had been trained, as in France and Germany, and no promotions permitted, the cause of a huge amount of criticism among us would be removed.

My opinion on this point may be bolstered by an excerpt from an address made by the Honorable Newton D. Baker, before the American Judicature Society in June of this year. He said:

> ". . . . but I think I am wholly within the fact when I say that in relatively recent years we have far too much allowed the judicial office to become the reward of political aptitude rather than professional attainment.
>
> Now I believe that the question of choosing judges is not so much a matter of machinery as it is a matter of public opinion of the function of a judge, for whether judges are appointed or elected the power of appointment responds to the popular conception in the last analysis. And, therefore, it seems to me that it is the duty of our profession—and we alone can do it, in season and out of season—to impress upon our fellow citizens in places where we live and where we are known, that while we have no concern about the political party of the judge, no prejudice against youth, no necessary preferences, but that as advisers of the public upon a matter in which we are expert and they cannot be even informed, we insist upon the choice of learning, experience and character for the bench."

The prosecuting officers, representing the State, district-attorneys and attorneys-general, also are appointed by the President of the French Republic. They are under the authority of the Minister of Justice who may order them to prosecute or enjoin them from prosecuting, and may request the President of

the Republic to remove them if they do not comply. But, at the trial, the prosecuting officers are free to conduct the case according to their own discretion.

Other auxiliaries necessary to the proper working out of the technique of the French Courts are: the clerks, the avoués, the avocats, the agréés, and the sheriffs. The clerks of the Court do the clerical work, registering the decisions, filing the minutes, delivering the copies of them, etc. The avoués must be employed to represent the parties in civil tribunals. They draw up all necessary papers, summons, pleadings, are in charge of all adjective law in a case, take charge of the enforcement of judgments, handle funds and act as agents or representatives of their clients. Their number is strictly limited, they hold a monopoly, have to buy their office from the predecessor in office, and must also be accepted by the Chamber of Solicitors. They correspond closely with the English solicitors. The number of avocats is unlimited. The only qualifications are that they be French citizens, licencieen droit, that is, have the degree equivalent to the American degree LL.B. Their functions are to give consultations to clients on questions of law and to argue cases when they come in court and draw what corresponds to pleadings, called conclusions. They correspond somewhat to the English barrister, but in contrast to the English barrister, avocats come in direct contact with their clients and can draw contracts for them. They cannot handle funds or form partnerships. Even their wives are forbidden to be engaged in commerce. They can appear before all courts except the State Council, the highest administrative court, and the Court of Cassation. The avocats are organized into the Society of Avocats at the head of which is the local Batonnier, elected annually, and his council, consisting of ex-Batonniers They regulate the education for the bar and discipline members. One of their most effective functions is to see that fees are paid. They wear gowns and caps. The avocats near the State Council and the Court of Cassation are the only ones allowed to appear before these courts. Their number is limited to sixty. They buy their offices from their predecessor, as the solicitors. They combine the work done by the solicitors and barristers in other courts. The agréés combine the functions of a solicitor and a barrister in the commercial courts. They constitute a special body, are limited in number, but are not appointed by the President of the Republic. They have no monopoly, as anybody can appear before these courts. The sheriffs are also limited in numbers; they serve writs and other documents, have charge of matters relating to execution of judgments and make attachments, garnishments, etc. They have offices and clerks, and are much more versed in legal matters than the American sheriffs. No individual is permitted to cross over from his field and invade the green pastures of another class.

In a civil matter in the French Courts, before starting an action, the plaintiff must offer compromise through the sheriff and the matter is heard before a local juge de paix, whose duty it is to use every effort to reach a settlement. If no settlement is reached, the avoué prepares a complaint, has it served on the defendant, which is a very delicate piece of work, involving an inquiry as to citizenship and jurisdiction, and the answer of the defendant is filed. Then the avoués, on behalf of the parties must ask the court to judge the case. If

granted, the case is put on the docket. Within a certain number of days the avoués for both parties appear again before the Court and state their contentions of law, after which the case is said to be "poser les qualities", or at issue. Up to this point the avocat does not appear in the case, but here the avocat prepares and submits in sketchy form substantive law based on the Code, but citing no authorities, because, as you know, precedent is not a feature of the French law. Then the witnesses are summoned to court to testify. Testimony is not taken verbatim and a witness may decline to testify. The statements of witnesses are summarized by the judge himself, after questioning, and reduced to writing by him after the hearing. They are submitted to the witnesses, who can add to, delete or modify his testimony. All evidence gathered by either side and conclusions of law must be communicated to the opponent within a reasonable time before the trial, and after being so communicated it is not permitted to deviate, thus eliminating the element of surprise at the trial. It is common practice for the French avocats to submit to their opponents, not taking a receipt, without fear of loss or destruction, most valuable real evidence. There is no jury in civil trials, but there are three judges and the state's attorney in a quasi-judicial position. Under the French law the state's attorney has the right and in some cases the duty to suggest to the judges what he believes the law of the case to be. At the real trial of the cause, nothing remains to be done but the argument of the avocats on either side. After the plaintiffs's case has been argued, if he has not carried the burden of proof, the judges may decide against him or they may stop the argument of either side at any time. If the proper decision is obvious, the case may be decided without leaving the court room, but one of the judges must publicly announce the decision in the presence of all three. There is more noise and dramatics connected with a French argument than an English argument, and sometime more than we hear in an American court. A gesture sometimes seen is that of a losing, emotional French lawyer picking up his papers and copy of the Code and throwing them on the desk in disgust.

A criminal case follows much the same general lines in preparation of the evidence and law as a civil case. Of course, there is a jury and one of the variations is in the drawing of the jury. The panel is gathered around the walls of a small ante-room with a ballot box on the table in the center of the room, before which the prisoner stands, and, as the names of the jurors are called, the defendant can throw a black or white ball in the ballot box, and thus without the rejected juror knowing it, pick his own jury.

There is a current aphorism about French criminal law, that the defendant is guilty until he is proven innocent, whereas under the English and American systems a prisoner is innocent until proved guilty, but this is a distinction without a difference. Preponderance of evidence is decisive under any one of these three systems and the margin of preponderance of evidence is as slender as a spider's silk. At the trial of a criminal case the prisoner is permitted to and almost always does take a very active part, often to the disgust of his avocat. Although it is sought to have the evidence and law in the criminal case fully prepared in advance as in civil cases, it quite often happens that witnesses do appear before the jury and on such occasions the conversations between the witness and the defendant are often heated and acrimonious.

After judgment in a civil case, eight days are allowed for an appeal, and the judgment is final unless appealed from and in some cases execution can be taken unless bond is given. A judgment is a general lien on all immovables of the loser, although it has to be registered in order to enforce a lien on realty. At this stage, when a judgment becomes final, the judicial machinery in France is finished, and the execution becomes a matter for the Police.

From the Appellate Court cases can be taken to the Court of Cassation, for only errors of applying the codified law, lack of jurisdiction or error of form. The supreme tribunal is more of a supervisory court than a declaratory court. If the Court of Cassation disaffirms a finding of the lower court it does not reverse, but refers it to another court of the same grade as the court which had decided the case for a new trial, and if the case comes back again, the Court of Cassation is free to affirm or disaffirm again; but to vary its former opinion the decision must be by a full bench. If a case is decided twice by the Court of Cassation in the same way, this decision is binding upon the lower courts. The Court of Cassation, as you know, splits up into sections, much the same as our Board of Tax Appeals.

Until the recent social revolution in Germany, one could have described its legal and judicial system as, all in all, the best in the modern world. It was scientificially constructed, like a piece of German machinery, largely patterned after the French system with some features of the English and American systems. It was freer of politics than the French system, however, and much superior in this respect to the American system. During the past two years, propaganda to the contrary notwithstanding, the German system has been largely influenced by socialism and Sovietism and this influence is spreading through England and into the United States.

One week ago, at a Bar dinner, attended by all of the Judges of the Court of Appeals of Maryland and a number of trial judges, I heard the Assistant Solicitor General of the United States, who appears for our Government before the United States Supreme Court, appeal to them and exhort them to interpret loosely our Constitution, statutes and precedents and stretch them sufficiently to justify the program of the present administration. By thus stretching the fundamental law the present German program started; then came changes in constitutional and administrative law, notably in the field of social and labor legislation. The Code of Civil Procedure has been totally remodeled since 1932, following the unified German-Austrian Code of 1931. The criminal procedure has been made most drastic, capital punishment has been greatly extended and many political crimes embraced which were before unnoticed. Laws modifying tenure of real property and mortgage rights therein have been invented, exempting farmers' estates from provisions of civil law to an extent amounting to a homestead bill on a national scale. One authority has described the situation as,

> "One of the most startling changes in legal thinking since the days of the French Revolution. The changes have so far modified only a comparatively small number of written laws; but there can be no doubt that they affected the legal system as a whole by way of altering and interpreting the principles of justice and the background of the legal profession."

All American lawyers are considerably informed about the English Common Law, upon which ours is founded, but not so well acquainted with the method of administering it. From this sketchy and laconic description it may be seen that the English system in part resembles ours, that is in its respect for precedent, while in practice and procedural matters the English, French and German systems are more nearly alike, but very dissimilar in regard to substantive law—so there is very little ground for comparison of the four systems, but plenty of room for contrasting. That the four systems will not mix is humorously illustrated by an effort to try an American negro during the War in a French Court for getting drunk and cutting one of his fellows with the usual social tool. Because of the prisoner's Southern accent, his Colonel, an Alabama gentleman, was asked to assist at the trial, and persuaded the French authorities that wielding a razor was not considered serious among American negroes, although, being an ardent dry, he insisted on having him tried on the charge of intoxication. The French law had long teeth for the cutting phase but only gums for the intoxicating feature. However, the switch greatly offended the negro and he was so unreasonable as not to appreciate being relieved of the more serious charge of violence, but remonstrated that being accused of intoxication in this instance was a terrible reflection on his capacity, for he claimed all that he had drunk was a bottle of that beer the French called "cognac."

Both the English and French legal systems are more stable than the American system, and have long ago discarded many things with which we are still experimenting. In the field of criminal law, for example, the French system almost completely and the English system to a large degree, are concerned only with the crimes of violence to person and property, and not at all concerned with private matters. As long as an individual does not use violence and pays his taxes and dues, neither the Police nor the Courts see or care what he is doing.

Englishmen and Frenchmen are astounded at our production of approximately 76,000 laws by National and State legislatures in one year. Most of the English laws affecting the administration of justice are land-marks, few and far between, while all of the French laws, civil, commercial, criminal, procedural and penal are contained within the small volume called the Five Codes of France.

With all of our multiplicity of laws and variety of courts, commissions, bureaus, etc. it cannot be said that the American legal system is satisfactory, or fills its place in our form of Government, and certainly the American Bar, both in its personnel and their organization, suffers much by comparison with the English, French or German. The American system can well be typified by Alice in Wonderland, when she was down in the little room, eating cake to grow big and tea to grow small, not knowing just what stature she wanted, for one way she would get to be an old woman and the other way she would always have lessons to learn.

The population of our country in 1870 was approximately 40,000,000; today it is more than 120,000,000, and the number the United States Supreme Court Judges is the same. The population has not only trebled in numbers, but its internal transactions have incalculably multiplied in vexing, complicated and litigious problems, requiring that Court's attention. In 1870 the telephone had not

been exhibited at the Philadelphia World's Fair; the Union Pacific stopped in the undeveloped great plains area in which we were still having Indian troubles; there was no long distance communication except by pony riders; no radio, automobiles, aeroplanes, and Atlantic crossings, now accomplished in thirty-three and one-half hours, required eight days. It is impossible to compute the rate of increase in number of lawyers during the last fifty years.

Our country, colonized largely by failures of the old world, both material and moral, and those who sought to commercialize these unfortunates, is young, inexperienced, wasteful of its rich natural resources, (which it will rue,) unduly proud, reckless, unwilling to learn from any history even events occurring last week, consciously or unconsciously hypocritical, and could not be self-sustaining or endure many years if transplanted among the older civilizations. It needs more to develop the group solidarity, political consciousness, good sense and intelligence of the English, more of the frankness, thrift and intense interest in government of the French, than to ape their legal processes. Above all, we need more political honesty, more widespread, sound education of the masses by didactic methods other than the usual American breakfast food propaganda.

American legal history presents a variety of interesting phenomena. Only a few centuries ago, sturdy races, with firmly established social institutions, sent colonists into the wilderness, where they formed rude, primitive institutions to govern simple relations. Some of the colonies avowedly repudiated legal institutions of the lands of their origin. The Puritan colonies, especially, drafted their fundamental laws, "Agreeable to the word of God," and instructed their magistrates to proceed in all causes, "as near the word of God as they can," even denying court records, in the belief that the Divine will was graven in every man's heart and needed no further recordation. A further reason perhaps was charter provisions that the colonies should make no laws repugnant to the laws of England, and they considered that these charter provisions referred to positive legislation avoided by this method. During many years, control from England was resisted. There were no professional lawyers during early years, in the colonies, and such as drifted in were prohibited from following their calling. In the course of time, however, as society grew more intricate and more highly organized, and intercourse with Europe became more regular, the legal institutions of parent countries were gradually introduced until a large portion of the common law and civil law was engraved on the popular practice of the various colonies.

There came a time when colonial lawyers were extravagant in their panegyrics on Blackstone, eclipsed only by the rationalizing tendencies of the French Revolution. Massachusetts was most obdurate in maintaining its spontaneous system of courts and laws; New Hampshire and Vermont dissented from the elder colony, in this as in other matters; New York, wearing the harness of the Duke of York's laws, adopted the first codification based on common law, and its judges, notably Kent, finally became authoritative expounders of our American form of common law. Pennsylvania was equipped by its founder, Penn, with the most complete system of Colonial codes, with Roger Monpesson as Chief Justice. Penn wrote to the people of his colony advising

them "to lay hold of such an opportunity as no government in America ever had of procuring the services of an English lawyer."

The Lord Proprietory of Maryland attempted to create a code but had controversy with the colonists. This delayed progress towards a liberal system, but in the end Maryland became one of the most staunch common law states. Virginia, in 1612, adopted a code which was printed at London, entitled, "Laws, Divine, Moral and Martial," and within a decade had compilations of the laws of England suitable for the plantation, contemplating the orders and constitutions already in existence passed by the Assembly. The colonists of the Carolinas were extremely reactionary and attempted to introduce an intricate feudal system. In the more densely populated centers of the Carolinas and Georgia there was early established superior and impartial administration of justice, but in the remoter parts the courts were administered by judges, vaguely acquainted with fundamentals, and "there was slight decorum in the Courts." The sections settled by the French and Spanish emigrants implanted adaptions of Roman civil law.

Having in mind the generally accepted reasons for individuals joining the colonists it can easily be concluded that the ecclesiastical courts of England were not established in any of the colonies. Some did not want ecclesiastical courts and others needed more rigorous rule. Of course, there were traces in the equity practice. Massachusetts, Connecticut, New Hampshire and to an extent, New Jersey, early made unequivocal declarations establishing the Scriptures as subsidiary law in their systems. There was great informality in judicial proceedings which in some cases amounted to a trial by the community and in others permitted three trials of the same cause. Even Virginia, which used elementary English treatises, like Dalton's "Justice," and paid great attention to forms of action, at the same time permitted great laxity and informality in their application to the general, popular practice of the courts. The test, in many cases, as to whether or not an act was contrary to the common law, which they pretended to follow, was whether or not it conflicted with Magna Charta. Mr. Justice Story, in Van Ness v. Packard, 2 Peters, 144, clearly described the transition when he said, "The common law of England is not to be taken in all respects to be that of America. Our ancestors brought with them its general principles and claimed it as their birth-right; but they brought with them and adopted only that portion which was applicable to their condition." Their general legal conceptions were influenced by the common law and their legal terminologies were derived from it, but they did not adopt it as a technical system, often ignored it, denied its subsidiary force, and repudiated many of its most essential principles. This was natural and inevitable. The common law and civil law were technical systems adapted to and for thickly settled and highly organized countries. In the course of time, the New World reached a state of social organization requiring not the identical systems but modifications thereof.

Brevity requires skipping the Confederation period which Fiske demonstrated was the most critical in American History. This formative period is also most interesting to political scientists. Many benefits were derived from the experiments and mistakes of this hectic era. During the colonial and federated periods there were no National tribunals. The developments noticed above con-

tinued until it was fully recognized that each State of the Union has the right to establish and empower within its borders such courts as it sees fit, to prescribe jurisdictions as to territorial extent, subject matter, amount and finality of decisions, provided, in the main, jurisdiction of the United States Courts is not encroached upon, the Constitutional privileges and immunities of citizens of the United States are not abridged and due process and equal protection of law, are afforded. In many, if not all of the states, certain courts are established and maintained under their respective constitutions. Among the most usual classes of tribunals thus organized within each state, are supreme courts, circuit courts, county courts, criminal courts, district courts, probate courts, domestic relations courts, numerous quasi-judicial commissions and justice of peace or magistrate courts. Jurisdiction of the Federal courts extends only to these cases in which the Constitution or Congressional enactment makes Federal laws applicable. All other cases are left to the state courts, from which there is no appeal to the Federal courts unless points of law or facts are raised affected by the Federal Constitution.

Our system of Federal courts was inaugurated by the Constitution adopted in 1787. That fundamental document vested the judicial power of the United States "in One Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." The Supreme Court of the United States was created by the Constitution. The other Federal courts have been created from time to time, by the Congress, pursuant to the power granted to it by the Constitution.

Under the Constitution, the Supreme Court has original (as contrasted with appellate) jurisdiction "in all cases affecting Ambassadors, or other Public Ministers and Consuls, and those in which the State shall be a party." Broadly, the field of jurisdiction to which the Federal courts, including the Supreme Court, is extended by the Constitution, embraces the following:

Cases at law and in equity arising under the Constitution, the laws of the United States, and treaties made under their authority; Cases affecting ambassadors, or other public ministers and consuls; Admiralty cases and those affected by maritime laws; Controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof and foreign states, citizens or subjects. Due to a growing belief that the exercise of this power, as developed, infringed on the settled doctrine of state sovereignty, this grant was modified by the Eleventh Amendment to the Constitution, which declares "that the judicial power of the United States shall not be construed to extend to any suit commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state."

As is well known, the Federal judiciary system constitutes one of the three independent branches of American Government contemplated by the Constitution. The provision of the Constitution, noticed above, is not an enumeration or a limitation, but a definite statement assigning or retaining to the Federal courts exclusive jurisdiction in the several matters mentioned, but leaving the National system unrestricted in the exercise of the entire judicial power. The judicial

power of the Nation extends to all justiciable controversies, the parties to which or the property involved in which may be reached by judicial process; and, when it was declared that the judicial power of the United States should be invested in the Supreme Court and other inferior courts, all the judicial power which the Nation was capable of exercising was contemplated.

Although this broad realm is available to our Federal courts, they have not entered a large portion of it and there is a tendency to narrow and limit jurisdiction, even by the courts. True, the individual states have always been jealous of the residuary rights. The two more or less concurrent systems, Federal and State, must inevitably cause some indescribable confusion, some unfortunate uncertainty and some regrettable losses and waste. However, results have vindicated the Constitutional Fathers' judgment that a system of National courts would be requisite to sustain "the supreme law of the land." In America the Constitution is supreme; in England, Parliament. The Constitution is our political orbit, and every act repugnant to it is possible of being declared null and void. It is the prerogative of the Federal courts, especially the Supreme Court, in due course of process, if the challenge involving a "federal" question is properly carried up, to declare whether or not certain laws, acts or omissions are contrary to the Constitution. Writs of error, mandamus, quo warranto, certiorari, etc., may be granted by the Supreme Federal tribunal within certain discretionary limits. In the shrinkage process typified by Alice in Wonderland, right of appeal, formerly unquestionable, has been very greatly curtailed, until, finally, under the rules promulgated in 1928, it is practically obliterated. Formerly a right of appeal was undeniable if "final judgment or decree in a suit rendered in the highest courts of a state in which a decision could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against the validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties or laws of the United States, and, the decision is in favor of their validity; or where any title, right, privilege or immunity is claimed under the Constitution, or any treaty or statute of, or any commission held, or authority exercised under the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed by either party under such Constitution, treaty, statute, commission or authority." Until 1928 it was obligatory, in order to have an appeal heard by the United States Supreme Court to present in the record, in conformity with the foregoing quotation, a "Federal" question. Since the adoption of the new rules, it has been required to petition for an appeal and to present in the record not a "Federal" question, but a "substantial Federal" question. These rules have resulted in further restriction of causes which the Supreme Court will review. Our Federal government is one with delegated powers from the people, and powers not so delegated are in the states or in the people. A constitution delegating powers cannot descend to minutiae. Constructions and implications are legitimately permissible. In many cases the intent of the Founders has been sought by establishing their point of view as recorded in the debates of the Constitutional Convention or elsewhere, or by contemplating the law as existing at that time.

Our foreign onlookers must not conclude that our Supreme Court is inflexibly bound to abstract, blind and unreasoning justice. This is a popular democracy, and, as the frank Frenchman said, even "oui" may have sixteen meanings, depending on the inflection. Although constituting an independent organization, our justices are appointed by the Chief Executive with the consent of the senate portion of the legislative department, and remunerated by the consent of the other portion of the legislative department, during good behavior, and always with the escape valve of impeachment. It is only human nature that "ears should be held to the ground" both as to appointments and as to subsequent action. Our courts do, on occasional, proper, contingencies, heed popular demand, and rightly so.

By the Judiciary Act of 1789, it was provided that, in the Federal courts, "proceedings, pleadings and forms and modes of procedure in civil causes other than equity and admiralty causes in the Circuit and District Courts shall conform as nearly as may be to the procedure, pleadings and modes of proceedings existing at the time in like causes in the courts of record of the state within which such circuit or district courts are held; any rule of Court to the contrary notwithstanding." This Judiciary Act passed at the threshold of our National existence still controls; but, during the past decade determined effort constantly has been exerted to have the Congress enact a new method of procedure, modeled somewhat after the uniform procedure system of Great Britain. The act that has been before the Congress would grant to the Supreme Court of the United States power to prescribe by general rules for the District Courts of the United States and for the Courts of the District of Columbia the forms of process, writs, pleadings and motions, and the practice and procedure in actions at law, said rules not to abridge, enlarge or modify the substantive rights of any litigant. It would give the Supreme Court additional power to unite the general rules already prescribed by it for cases in equity and those in actions at law so as to secure one form of civil action and procedure for both, provided in such union the right of trial by jury as at common law and guaranteed by the Seventh Amendment to the Constitution shall be preserved to the parties inviolate. This reform in our Judicial system has the official approval of the American Bar Association.

Although a treatise of this sort should, perhaps, deal with practice as it is, yet when some reform seemingly much needed and certainly widely discussed and endorsed is proposed, it is not out of order to notice it, especially when the movement, if realized, affects vitally our procedure and practice. It is the opinion of many well qualified judges and lawyers that regulation of procedure by rules of court, rather than by statutes of the legislative body possesses so many unanswerable advantages that its adoption seems almost an assured fact. The success of a similar plan in the English system and in our equity and admiralty courts argues strongly in its favor. Although there is strong opposition to this movement, its adoption, sooner or later, is quite likely. The benefits promised are: A modernized, simplified, scientific, correlated system of Federal procedure suggested by judges and lawyers and meeting the approval of the Federal Supreme Court; The improvement of State Court procedure through likely imitation of the Federal system, and the probability of state uniformity through

the same course; The institution of court rules in lieu of the statutory or common-law procedure modified by statute. It would furnish the foundation for fixed interstate judicial relations, as permanent and correlated as interstate commercial relations; it would provide the advantage of the personal participation and encouragement of the lawyers and judges in the creation and gradual perfecting of a scientific system of rules; it would afford prompt detection of imperfection and lead to correction; obviate the long time now necessary for the simplest relief at the hands of the Congress because of the multitude of other proper business pressing for attention upon that body; it would eliminate the force of law now possessed by every procedural statute and substitute therefor a system of flexible judge-made rules, not so subject to reversible error; afford voluntary nation-wide uniformity, the psychology of which is important where state pride is an element; and it would awaken a keen sense of responsibility and a new and unselfish mutual interest among the members of the bench and bar.

A quorum of six members is required for certain judgments of the Supreme Court, and it is said that the purpose of this rule was to prevent a split into two courts. Others say that litigants are unwilling to submit their causes to less than a full court. But the time will soon come, if it has not already long arrived, when some contrivance, such as the French Court of Cassation, will have to be devised to handle the litigation upon which a supreme and final tribunal should give the people of our country the satisfaction of passing.

Further time must not be spent on the expansion or contraction of this great "bulwark of American Liberties"; we must hurry on to the toe of our sock.

The judicial system of the United States consists of the Supreme Court, the Circuit Court of Appeals, the Court of Customs and Patent Appeals, the Court of Claims, District Courts, United States Customs Court, the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, and the territorial courts, such as those of Alaska, the Canal Zone, United States Court for China, Philippines, Hawaii and Porto Rico.

The Supreme Court of the United States is located in the Capitol, at Washington, although a handsome new and separate domicile is being erected for it. It consists of a Chief Justice and eight Associate Justices. The membership of the Court has varied from five to ten. It is required, except in an emergency, such as an epidemic, to hold at the seat of government one term annually, commencing on the first Monday of October. The Court convenes at noon of each day it is sitting and adjourns at four-thirty o'clock. Under the direction of the Chief Justice, causes argued are discussed and assigned, for reason, to a particular judge for opinion in conformity with the majority conclusion. Upon completion of the opinion, the cause is further discussed and the opinion announced and published.

The Sixth Amendment to the Constitution provides that "in all criminal prosecutions" there shall be a "speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law." There are ten judicial circuits in the United States at the head of each of which is erected a Circuit Court of Appeals. Originally, one of the judges of the United States Supreme Court presided in the Circuit Court of Appeals, but while titularly he still does so, actually

he is seldom able to leave the press of business at the Supreme Court. Although Circuit Courts have been abolished and their functions delegated to the District Courts, Circuit Court judges continue and compose the membership of the Circuit Court of Appeals.

By statute, 1922, provision was made for what is known as the Annual Convention of Senior Circuit Judges. The Chief Justice of the United States presides, and the senior circuit judge of each judicial circuit is required to attend the convention, to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the Courts of the United States may be improved. Preliminary to the conferences the Senior District Judge of each United States District Court submits to the Senior Circuit Judge a report of the condition of business in his district, including the number and character of cases on the docket, business in arrears, causes disposed of, and such matters, together with recommendations. The Attorney General of the United States, at the request of the Chief Justice, also reports to the Conference on matters relating to the several courts of the United States, wih particular reference to cases or proceedings in which the United States is a party.

The United States Court of Customs and Patent Appeals was established in 1909, to review decisions of the Board of General Appraisers, now known as the United States Customs Court, for the purpose of relieving other Federal courts in the interpretation of tariff acts and to secure uniformity in customs administration. To this jurisdiction, in 1929, was added revisory jurisdiction in respect of appeals from the Patent Office. It has been said that this Court is a special tribunal in the nature of a legislative court and not a Constitutional Court. It consists of a presiding Judge and four associates and sits in the City of Washington.

Our United States Court of Claims constitutes an interesting study in political science. It represents a radical departure from the doctrine that the sovereign cannot be sued; rather it is a unique instance of a sovereign permitting itself to be sued. In the very first session of the Congress there were a number of appropriations to pay claims against the National government, and each succeeding session was confronted by a growing number of such claims until the problem became excessively burdensome and impeded the regular duties of that legislative body. Accordingly, in 1845, this problem was committed to a Court of Claims for the triple purpose of relieving the Congress, providing more scientific investigation and affording claimants a more certain mode of examining, adjudicating and expediting payment of their claims. The Court consists of a Chief Justice and four associate justices, sits at Washington, but through aid of a corps of examining commissioners, it is enabled to take testimony in all parts of the World. The Court's jurisdiction is limited to claims arising in contract, express or implied, and it is denied jurisdiction in matters sounding in tort and in pension claims, although there is a growing tendency to permit it to adjudicate matters arising from torts committed by Government agents. During the year ending November 30, 1929, this Court disposed of 967 causes, granting judgments which were paid by the United States Treasury in the sum of $12,820,682.00 of a total of $112,554,483.00 claimed. There is no appeal, but

certiorari to the Supreme Court of the United States lies, and this was granted in only eight cases.

Each judicial district, carved with respect to state lines, has at least one United States District Court, consisting of one or more judges residing in the district. At present there are one hundred and forty-one district judges, and provision is made to supply substitutes from other benches in case of illness or emergencies. Each District Court has the aid of a District Attorney for the United States, a Marshal and the other usual assistants. These courts have jurisdiction in all offenses against the United States, bankruptcy, admiralty and equity, as well as matters cognizant by Federal courts, as noted above.

The United States Customs Court, organized in 1926 to take over the duties of the Board of General Appraisers, consists of a Chief Justice and eight associates, not more than five of whom shall be of the same political faith. This tribunal functions as a trial court, divided into three divisions, each presided over by three justices. The home of this Court is in New York City, but the Court may proceed to any port of entry within the United States, and calendars of trial of issues are called in Baltimore, Boston, Chicago, Los Angeles, New Orleans, Philadelphia, Portland, Oregon, St. Louis, St. Paul, San Francisco and Seattle.

By the Constitution, Article 1, Section 8, Clause 17, the United States has exclusive jurisdiction over the seat of Government which includes power to elect and maintain a Federal Judicial System therein. There are only two distinctly Federal courts in the District of Columbia, viz. the Supreme Court of the District of Columbia, incongruously so-called, for it is a trial court, and the Court of Appeals of the District of Columbia; its name was changed by the 73d Congress to "The United States Court of Appeals for the District of Columbia" which has appellate jurisdiction from the Supreme Court of the District of Columbia, right of review over orders of the Federal Trade Commission and the Federal Radio Commission. The Court of Appeals of the District of Columbia consists of a Chief Justice and four associate justices, and was established in 1893. Prior to that date a general term of the Supreme Court of the District of Columbia constituted the appellate tribunal for its special term.

The Supreme Court of the District of Columbia is said to have the broadest jurisdiction of any tribunal in the country. The Courts were established in the District of Columbia in 1801, but the present system was installed in 1863, and numerous innovations have been made since then. It is a Court of original and general jurisdiction, and also has jurisdiction and powers of a Federal District Court. Because of its location at the seat of the government, some of the most important litigation in the country is brought before it. It comprises a chief justice and seven associate justices.

Although it is recognized in the American system that courts martial are courts within the constitutional provision that in any trial the accused member of the service shall not be denied the right to appear with counsel as in a civil action, it has been held that courts martial form no part of the American judicial system. A court-martial is an inferior court of limited jurisdiction, the judgments of which may be questioned collaterally.

Our judicial machinery for impeachment may be the subject of inquiry.

Provision for such procedure is made. According to the Constitution, the House of Representatives has sole power of impeachment. It makes the charge and appoints the managers from its own body to prosecute the charge; but the Senate has sole power to try impeachments, and when sitting for that purpose, members are on oath or affirmation, and two-thirds vote is requisite for conviction. If a President is tried, which has happened only once, the Chief Justice of the Supreme Court presides. Judgment extends no further than removal from office and disqualification to hold any office of honor, trust or profit under the United States; but the party convicted may, nevertheless, be subject to indictment, trial, judgment and punishment according to law.

While the British Colonies in America were being established, the famous controversy in England over jurisdiction between the courts of common law, dominated by Lord Coke, and those of admiralty was raging to the detriment of the admiralty jurisdiction. It resulted that the colonial vice-admiralty courts, unaffected by the dispute actually acquired broader jurisdiction than that to which the admiralty courts of the Mother Country were restricted.

Upon adoption of the Constitution, admiralty jurisdiction in the United States was vested in the Federal courts; but by the Judiciary Act of 1789, the right of a common law remedy was saved to suitors where the modified common law was competent to give one. No state legislature may adopt a statute which "contravenes the essential purpose expressed by an Act of Congress or works material prejudice to the characteristic features of the general maritime law or interferes with the proper harmony and uniformity of that law in its international and interstate relations." The Federal courts of the first instance, in all admiralty cases are the United States District Courts for the appropriate district. An appeal lies from the decision of the District Court to the United States Circuit Court of Appeals for the circuit embracing the district in which the cause originated. The decision of the United States Circuit Court of Appeals is final, and there is no right of appeal therefrom, but that court may certify a question in the case to the Supreme Court of the United States for answer, and the Supreme Court may, at its discretion, bring up an admiralty case for review by writ of certiorari.

The Federal courts at first experienced great difficulty in determining what waters were embraced within the jurisdiction. The precedents were English and the judges were hampered by the English rule limiting the jurisdiction to the ebb and flow of the tide. This would have excluded jurisdiction over the great American rivers and inland lakes. After nearly fifty years of hesitation and confusion, the Supreme Court of the United States, overruling a number of earlier cases, in a series of noteworthy decisions, definitely established that Federal jurisdiction of admiralty extends to all waters capable of carrying substantial commerce, except purely intrastate waters having no navigable outlet into another state.

The United States for the most part adopted the principles of English Admiralty Law, and the important reformatory legislation in the two countries has, generally speaking, followed parallel lines. The matter of limitation of liability is one striking contrast, in that the value of the offending vessel, under the English rule, is computed immediately before the disaster, whereas, by the American

rule it is computed immediately after the disaster, so that in case of total loss the liability in the United States is limited to "nothing". The American rule, while operating perhaps harshly against owners of ships who sustain loss, would seem to represent the logic of the principle of limitation. There is at present, however, some agitation in the Congress for a modification of the limitation statute.

In 1893, the Congress passed the Harter Act, resembling the English Carriage of Goods Act, and intended for the protection of ship owners. Under the Harter Act the exercise of due diligence to make a vessel seaworthy will exempt from liability for loss due to unseaworthiness, if the exemption be bargained for in the contract of carriage.

In 1920 the Congress enacted a statute providing for the recovery of damages for loss of life "on the high seas beyond one marine league from shore."

By what is known as the LaFollette Seamen's Act of 1915, and a series of subsequent acts, seamen's rights have been enlarged and protected with respect to wages, hours of labor, shore leave and the recovery of compensation for injuries. Probably American seamen now enjoy greater and more varied protection than the seamen of any other maritime nation.

No slight is intended in not mentioning the Canadian system. You know all about it, and one of the features I looked forward to enjoying was the brilliant exposés by speakers on this program.

Despite all of the criticism, observations and remarks, nothing entirely new has been said. Socrates, Cicero, Bossuet, Fordyce, Carrie Nation, Burke and Choate, among a long list of others, in the records of each age, have described their then legal and social systems as leading to oblivion. Joseph Choate, in an address before the New York Bar Association in 1893, painted as depressing a scene as could be imagined, and it never came to pass.

Therefore, perhaps this shattering depression is a blessing in disguise—it may knock the materialistic scales from our eyes, and, from what was thought to be "encircling gloom" we shall see, with restored sight, the same image that our Constitutional Fathers beheld and painted for us, but which, always vehemently protesting that we loved, "lost awhile."

Vice-President Magee: I am sure the applause which Mr. Noel has received will express more eloquently than anything I could say how much we enjoyed his interesting address. We should add "luminous" to the titles conferred upon him.

I will now call upon Mr. Frederick C. Hicks, Librarian of the Yale Law School Library. Mr. Hicks needs no introduction to members of this audience, I am sure.

Mr. Frederick C. Hick: Librarian, Yale Law School Library: I hope that I may be able to compete with the preceding papers in length at least. (laughter) Miss Lathrop has been knitting a dress as she listens today and if she will continue through my paper she will be able to finish it and a supplement also, I think. (laughter)

Mr. Hicks continued by reading extracts from his prepared address, the full text of which is printed here.

Mr. Hicks: (Reproduction of Catalogue Cards by Photographic Methods): An enormous development of card catalogues is a characteristic of library science in the United States. Their most obvious advantage is that, without interruption of use, they can be kept up to date more easily than is possible with any other kind of catalogue. On the other hand, they are bulky, are costly in time and material, and must be built up with such detailed care that cataloguing is slow. It was a timely aid that the Library of Congress provided when it began to print and sell catalogue cards. This event resulted in standardization of the method of preparing cards for our catalogues by using sets of identical author cards, typing added entries and subject headings on their top margins. It eliminated also, when cards precisely fitting our books are obtainable, the errors and inaccuracies incident to the multiple reproduction of cards on the typewriter. When Library of Congress cards are not available, it left us, however, to prepare, type and retype, revise and revise again, the copies of the author cards which are used in making a set for each book.

To be relieved from this cumbersome method of multiple production of identical cards by typing, various substitutes have been tried. Among them are (a) printing one's own cards (a method impossible for most libraries), (b) printing cards by means of type set on a drum (the multigraph method), (c) reproducing by means of stencils cut with a typewriter (the mimeograph method), and (d) reproducing typed master cards photographically. It is with the last method only that this article deals, recounting therein particularly the experience of the Yale Law Library in the use of the Junior Dexigraph.

Miss Anna M. Monrad has already described (*Library Journal*. 57:218-222, March, 1932) the method by which an official catalogue of 1,009,313 cards was made for the Yale University Library, using Dexigraph machines. This was a special contract job, done on machines built for quantity production. At the end of her article, Miss Monrad refers to the Junior Dexigraph, which was not then perfected, but was being developed for current use in cataloguing departments. Through the initiative of Mr. Charles Perkins, of the Remington Rand New Haven office, the Yale Law Library eventually agreed to serve as a laboratory in which to experiment with the Junior Dexigraph, to discover, first, in what respects the machine could be improved, and, second, what details of operation affect the results obtained. A Dexigraph was placed in the Law Library cataloguing room, a dark-room was fitted up in an adjoining closet, supplies were provided, and experiments were carried on for over a year without other expense to the Law Library than the cost of an assistant's time.

The conditions under which the experiments were made were the following. The Cataloguing department, under the direction of Miss Katherine Warren, Chief Cataloguer, was and still is engaged in cataloguing and classifying not only about 10,000 volumes of annual accessions, but in recataloguing and classifying the entire law library. The recataloguing and classification are being done not by a separate staff as a distinct enterprise, but by the regular staff along with its current work. The task is not to reproduce old cards by quantity production, but to provide either Library of Congress printed cards or new cards made in the Yale Law Library. Our statistics for the last four years show that only about half of the cards needed can be obtained from the Library of Congress.

The remainder we had been making on the typewriter. Could we use the Dexigraph as a substitute for the typewriter in the regular work of the Cataloguing Department? Would it be equally simple and flexible in use, and could we economically produce cards good enough to file in our public catalogue along with printed and typed cards? These were the questions which had to be answered.

The results at first were not reassuring. The color of the cards was bad, there were shadows and streaks, letters at the ends of lines were lost in the photographic process, the finished cards curled, and when headings were typed on them, the ink would not dry. All of these difficulties were, however, largely overcome by the combined efforts of the Remington Rand Company and the Law Library staff. The Dexigraph itself was improved, and we learned how to use it, noting by experience the things that must or must not be done. On December 15, 1933, we signed a contract for a year's rental of the Dexigraph and equipment, revocable at the end of three months. When that time arrived, we purchased the equipment (except the camera itself), and now consider that the Junior Dexigraph is a regular part of our cataloguing facilities. If no unforeseen difficulties develop, we shall continue to use it.

In order to understand what is involved in this photographic method of reproducing cards, it will be necessary to describe, first, the equipment and supplies needed, and second, the process followed in the Yale Law Library.

Equipment and Supplies

The Junior Dexigraph which we are using is a fixed focus camera, with adjustable shutter. In size, it is 33½ inches long, 19½ inches high, and 18¼ inches wide, being therefore small enough to stand on an ordinary desk. In construction, it is as simple as the old Kodak box camera. In front of the camera box is a reversible copy-plate, black on one side, and white on the other, to be used when photographing dark or light cards respectively. Cards are held in position by a hinged glass cover. Light is furnished by an attached mercury vapor tube. In the door of the camera box is a sleeve through which the hand is thrust so that sensitized cards may be fed to the lens without exposing them to light. The camera is operated as follows:- While the left hand is placing the card to be photographed on the illuminated copy table under the lens, the operator's right hand, working through the rubber sleeve, removes a sensitized card from the magazine inside the camera and places it in the aperture window, directly in line with the lens, where a hinged cover holds the card flat. The left hand then presses the shutter lever to make the exposure.

The camera is rented at a cost of $12.00 a month. We are satisfied with the Company's plan of renting rather than selling, because the lessor agrees to "keep the equipment in working order and make all necessary repairs," except those caused "by accident, fire, water, misuse, theft or neglect." It is understood also that improved parts, or even a complete new improved camera will be substituted without expense to the library, if they are produced by experiments carried on in the Company's laboratories.

If preferred, the exposed sensitized cards may be developed in a Dexigraph Developing Box. With this Box, the Yale Law Library has had no experience.

Instead, we have equipped as a dark room, a janitor's supply closet which already had a large basin and running water. This basin was transformed into a tank in which prints could be washed with running water, by inserting a stand-pipe to serve as an overflow through the stopper at the bottom, and by attaching a length of hose pipe to the faucet to carry running water to the bottom of the basin. Shelves were placed in the closet, and the following items of equipment, at the prices indicated, were provided for the dark room.

1. Ruby light ($.50)
2. Four developing tanks ($15.00)
3. Three developing racks, each holding 36 prints ($15.00)
4. An Eastman Timer, or photographer's clock ($5.00)
   (This Timer has only a minute hand and a long second hand)
5. Photographer's thermometer ($.75)
6. Glass measuring jar ($.41)
7. Glass funnel ($1.00)
8. Glass mixing rod ($.08)
9. Glass dish for bleaching solution ($.45)
10. Four (gallon) glass jars for storing chemical solutions ($1.00)

Other equipment used outside the dark room includes:-

11. A print roller (squeegee, $.65)
12. A plate of glass on which to use the roller ($1.00)
13. A card punch ($5.50)
14. Drying outfit (blotter) ($2.50)

This makes a total of $48.84 for equipment exclusive of the monthly rental of the camera. Better results will be gotten, however, if an electrically heated Dexigraph Print Dryer ($100.00), is substituted for the blotter drying outfit. With this change, the total cost is $146.34, exclusive of the monthly rental of the camera. The electrical Print Dryer occupies more space than the camera itself (69½ in. long, 27½ in. wide, and 27½ inches high), but its use saves time and produces better results. It will, in ten minutes, perfectly dry thirty-six prints.

The supplies needed in the routine use of the Dexigraph are:-

1. Sensitized, pre-cut, cards ($10.25 per thousand)
2. Chemicals
   (a) Developer ($.40 a can)
   (b) Fixing powder ($.20 a box)
   (c) Commercial acetic acid, for cleaning utensils ($.40 a quart)
   (d) Potassium ferricyanide, for bleaching prints ($.07 an oz.)
3. Drying blotters ($.55 a package)
4. Special typewriter ribbons ($2.50 for three)

Reproduction Process

The following are the successive steps involved in each day's use of the Junior Dexigraph, from the preparation of the master card to the filming of the completed cards.

1. The author entry cards to serve as master cards are prepared by the Cataloguing Department in the usual way. These finished cards, however,

must be of superior workmanship, because the camera reproduces what it sees, and it sees nearly everything. Revision of them must be completed, including call number typed in position, before they are passed on for reproduction. The typing must be clear, and on all cards as nearly as possible uniform in density, even though done on several machines by different operators. The typing must not reach closer than one and one-half type spaces from the edges of the cards. On the backs of these master cards are placed all tracings, and other information needed to determine how many prints of each should be made.

2. Despite the care exercised in the preparation of master cards, there are perceptible differences in the density of the typing on cards made with different ribbons and by different operators. Typed master cards which are to be photographed are therefore sorted into three groups according as the typing is:

(a) light
(b) medium
(c) dark

This is necessary in order that the camera shutter may be adjusted differently for each of the three groups, admitting *less* light for light cards, *more* light for medium cards, and *most* light for dark cards, and thus producing negatives of approximately the same quality for all three.

3. Using the Dexigraph as already described above, sensitized cards are exposed in turn to the light reflected from the typed master cards; and the exposed cards, in a light-proof transfer box, are removed from the camera and taken into the dark room.

4. These exposed cards are developed by placing them

First: In developing solution. (Temperature, 68°-72°F.)
(Time, 55 seconds)

Second: In clear water to rinse.

Third: In fixing solution. (Time, 10 minutes)

Fourth: In developing racks immersed in cold running water. (Time, at least 20 minutes)

The developed cards are negative prints, i.e. with white letters on black backgrounds.

5. These negative prints are removed from the dark room; spread out, face-up, on a glass plate; rolled over with the squeegee to remove moisture; and then, spread out face-down on the belt of the dryer, are mechanically carried by it around an electrically heated drum to be dried.

6. The typed master cards, and the negative prints just made from them, are now arranged in two alphabets; and at the bottom of each negative is pencilled the number of positive prints (e.g. 5 or 7) that are to be made from it. This information is gotten from the reverse sides of the typed master cards.

7. With the shutter of the camera readjusted (to admit more light than was used in making the negative print), the negatives are now in turn photographed, each one as many times as is necessary to make up the set of cards required. These, when developed, will be positive prints, i.e. black typing on a white background.

8. The newly exposed sensitized cards are now, in a light-proof transfer box, taken to the dark room, inserted in thoroughly dried developing racks (36

in each), and developed by the same process used for negatives. The following variations must, however, be noted.

First, Time in developing solution—45 instead of 55 seconds.

Second, Same as for negatives.

Third, Same as for negatives, except that while the prints stand in the racks immersed in the fixing solution, each is removed from the rack, passed through a bleaching agent (solution of potassium ferricyanide), and returned to the rack. This handling, done while the white lights are on, gives an opportunity to examine each print to see whether it is satisfactory. Cards which do not require to be bleached must remain in the fixing solution from fifteen to twenty minutes.

Fourth, Same as for negatives.

9. The positive prints are then "squeegeed," and dried, just as are negatives.

Since the negatives are photographed in alphabetical order, and the positives are kept in that same order while they are being handled, and since the typed master cards are already in alphabetical order, the cards for any title can be referred to throughout the whole process.

10. The negative and positive prints are now provided with rod holes by using a hand punch. At present, pre-punched sensitized cards are not available, but the problem of providing pre-punched cards is being studied and may eventually be solved.

11. The three types of cards (i.e. typed master cards, negatives and positives) are sorted into sets.

12. Headings, as indicated on the reverse of the master cards, are typed at the tops of the positive prints, just as would be done with Library of Congress printed cards. The call number is already on each card because it was on the typed master card when it was photographed.

13. The complete sets of cards, after revision of the typed headings, are now ready to be filed, as follows:-

(a) The typed master card, in the official catalogue.

(b) The negative prints, in the shelf-list.

(c) The positive prints, in the public catalogue.

(d) When no shelf-list card is required, the negative prints are preserved in a separate file, so that additional copies of them can be made, if they are needed. The negative prints filed in the shelf-list are, of course, available for a like purpose.

Elements of Success

In our two years of experimentation with the Dexigraph, we have learned that success or failure in producing satisfactory cards depends largely on ourselves. In other words the Dexigraph itself is a good machine, and will produce good work if (1) we produce good typed master cards to be reproduced, and (2) if we are skillful and informed as to the details of the processes involved in the exposure, developing and drying of prints. The problem is similar to that involved in the production of cards on a typewriter. Even with the best of

typing machines, we cannot get good results if the operator is unskilled, inattentive and inaccurate, if the type is not kept clean, if a proper card holder is not used, if the cards are not accurately inserted in the holder, if a good ribbon is not used, if the card stock is inferior, if we make mistakes in typing, and are untidy in making corrections. We must be equally skillful and careful in the use of the Dexigraph, and not expect it to produce results contrary to the laws of nature, or automatically to correct errors made in the choice of materials used or in the handling of them.

The following are things learned by experience which we found it necessary to observe with meticulous care, and which reward the effort. Some of them have been referred to above, but they are here repeated more in detail, for the sake of emphasis.

1. The typed master cards must be as nearly perfect as they can be made. In making them,
   (a) Old typewriter ribbons should not be used, nor ribbons too wet.
   (b) The type must be kept clean so as to make clear impressions.
   (c) The key pressure must be uniform, so as to make all type impressions of approximately the same density. The typist must be skillful.
   (d) The typing should not come nearer than one and one-half type spaces from the four edges, and from the rod hole. If it runs closer than this, a letter or a portion of a letter may be lost in the process of reproduction.
   (e) Ordinary erasures, skillfully typed over, do not show in reproductions; but smudged and untidy work will show.

These requirements are not difficult to meet, and they might well be adopted for all typed cards, because a better looking and more readable card is produced.

2. The surfaces of sensitized cards, before they are developed, should not be touched.
3. Negative prints should be made with great care because all of the positive prints are made from them. If the negatives are good, the positives are more apt to be good. The sorting of the typed master cards according to the density of their typing, and the special treatment of the three groups in the process of photographing, results in the production of negatives of nearly uniform quality from which positives may be made in a routine manner.
4. It is imperative that the developing and fixing solutions be fresh, which means that they must be poured off into the glass jars and tightly corked, when they are not in use. When new solutions are mixed, they must be tested with a sample card. This precaution usually insures good results, and eliminates the wastage of poorly developed prints which must be discarded. A mixture of chemicals is good for about 1,000 prints.

Since the temperature of the solutions must be correct, the chemical thermometer must be regularly used.

5. All utensils must be kept clean, the developing tanks and the glass jugs, by the use of acetic acid. The same receptacles must always be used

for the same kind of chemical; and the developing racks must be scalded, or immersed in a solution of Oakite to remove any trace of fixing solution, before they are again placed in the developer. All exposed glass surfaces in the camera must be free from dust and finger marks when photo-copies are being made.

6. For typing headings on the positive prints, a special ribbon must be used. The ink of an ordinary ribbon will not dry on a photographic print, the surface of which is covered with an emulsion hardened by the chemicals. If the ribbon used has a glycerine base, the impression will dry quickly and will not smudge. This ribbon, however, requires special care. It will itself dry out, unless it is removed from the machine when not in use, and kept in a humidifier—a tin box in which a moistened blotter is kept. The spool on which the ribbon is wound must have perforated sides, in order that moisture may reach all parts of the ribbon.
7. The camera when in use must not be placed under ceiling lights, nor near a window. It need not be in a dark room; but direct light coming from the sides or from above, will vary the amount of illumination on the cards being photographed, and thus affect the quality of the prints.

Quality of the Results

Two questions have often been propounded to the writer;—first, are the cards durable and otherwise physically satisfactory; and second, what is the cost?

The first question brings up the matter of the composition of the stock from which the sensitized cards are made. When a Dexigraph is rented, one agrees to use the sensitized cards sold by the Remington Rand Company. At the present time, the cards provided are made from sulphite stock, composed of purified wood fibers as a major ingredient of its cellulose base. It is asserted that sulphite stock withstands treatment by wet chemicals better than a rag stock does, so that the stock used gives a better final result than can be produced using rag cards. Our experience has been only with the sulphite stock, but it has thus far been satisfactory. The prints that have been longest in our public catalogue show only normal wear; and because of their smooth surfaces, are less likely to become soiled than are either typed cards or Library of Congress cards. Moreover, author cards (containing no typed headings) can be washed. It is asserted that indefinite exposure to light will not cause the cards to fade. We have no reason to doubt this statement.

The positive prints can be written upon with either ink or pencil, and pencil erasures can be made.

There is still a slight ripple along the top of the cards; but this is not so pronounced as it was with the cards first made. We still hope to find some detail in the drying process which will eliminate all waviness.

Output and Costs

Thus far, in our use of the Junior Dexigraph, we have been less concerned with costs than with discovering whether satisfactory results could be obtained.

An attempt has, however, been made to compare the cost, during a six week's period, of typing cards and reproducing cards by the Dexigraph. The following is the result:-

Dexigraph

5,417 sensitized cards used, @ $10.25 per M.	$65.25
Rental of Dexigraph (6 weeks)	18.00
Chemicals used	8.36
Labor (163 hours @ 42 cents)	68.46
Total	$160.07
Usable cards produced	5,211
Cost per card	$.0306

Typed Cards

5,211 rag cards (@ $3.20 per M.)	$16.64
Cost of typing @ .02	104.22
Cost of revision @ .01 (a low estimate)	52.11
Total	$172.97
Cost per card	$.033

In this comparison, the typed master card which must be made whether the duplication is by Dexigraph or by typewriter, is not included. Neither is the typing of subject headings included, for there would be the same cost in both cases.

It will be seen that the labor costs (including revision) of typing cards more than off-set the costs peculiar to photographic reproduction. The comparison would be even more favorable to the Dexigraph method if some charge were made for wear and tear on the typewriters, and for wastage of spoiled cards.

Even though the typing method were cheaper, we still would conclude that the use of the Dexigraph was justified, because of its greater speed and accuracy. We roughly estimate that in a given period of time, the Dexigraph method produces at least two-thirds more cards than can be produced by typing; and that the cards are more accurate, because the hazard of error in typing and revising the same card repeatedly is removed.

The Dexigraph method of reproducing cards is applied under favorable conditions in the Yale Law Library because we require at least five cards for a majority of the books catalogued. Thus far we have made it a rule to type instead of photograph, if we need less than five cards for a title. This arbitrary rule has exceptions, for long titles, titles in foreign languages, titles with peculiar marks which have to be inserted by hand, and titles so long that they require second and third cards, are more accurately produced photographically, even though the cost may be slightly greater.

At the conclusion of his paper Mr. Hicks exhibited cards.

Mr. Hicks:- Now I would be glad to answer any questions. I have answered questions asked by Mr. Baxter. As to how many copies we made,

sometimes we made ten or twelve cards, but we used every one of the cards produced in this process except, occasionally, the negative.

The original master cards, on back of which are all the tracings and subject headings, were placed in our official catalogue. The negative, white on black card, was used in our shelf list. The other cards, the positives, go in our public catalogue. So that every card is used.

Mr. Miles Price, (Columbia University Law Library): How long does it take to qualify the assistant? Is there any specially qualified person necessary?

Mr. Hicks: It does not have to be any trained person, but a young woman who was doing our work and came into the Library as a typist, a graduate of a commercial high school and an expert on the typewriter. We simply took one of the typists and had her learn to use the Dexigraph. It does require skillful work, because any slight variation in the process, any carelessness, will immediately show in the quality of the cards reproduced. A whole lot of the middle portion of the paper I wrote deals with questions you might want to ask. I will say this. It is absolutely essential that the card you are going to photograph should be a good card, because the camera sees and reproduces everything. So that you must make a good master card, and it is interesting to find that the use of the Dexigraph has improved our work in the Yale Law Library very much. You have to learn that the typed card must not go to the margin, within 2-½ or 1-1½ spaces, I think it is. You must have just the same rules for making your typed card as the Library of Congress does when it sends copy to the printer. It must not come near the hole on the card. It is photographed twice. You photograph the typed card. In that process there is a slight distortion. It is very slight, but still, if your typing runs to the edge you will lose half a letter; then you photograph the negative again, and the whole letter goes off. You must remember to make a rule that the typing does not go within a certain distance of the edge; then you do not lose any letters.

A Member: Could something be done about the use of a special ribbon—your master card, could it be done in white on black?

Mr. Hicks: We worked on that problem for quite a time but did not solve it. We did not make good cards by that method. We also tried to use various masks, typing the headings on separate sheets and putting the main card underneath this mask on the heading, but we came down to the conclusion that the process of making a negative and then the positive was the more practical one and that we must learn how to type the headings on the positive cards.

Are there any further questions?

Professor Eldon James, (Harvard Law Library): Have you ever thought at New Haven of having a system of common central reproduction, reproducing the cards for all departments. Would not that reduce the expense considerably?

Mr. Hicks: It might. Although I doubt it. In fact, it would be very unsatisfactory to me at the present time. Take the situation at Yale. The University Central Library is already nearly swamped with its own problem of cataloguing. In order to push our cataloguing in the Law Library, we need

to have just the same kind of system as we have with the typewriter in reproducing cards. With this machine we do that; we use it just exactly as you use a typewriter. We are not dependent on any other department of the University, we do not have to wait until the cards are made for the University Library. When they are pushed with work, we can be making our own cards from day to day. So that I think one of the advantages of this little machine is that you have it right there in your cataloguing room and use it from day to day. It is a device for current day to day use.

A Member: To what extent, I wonder, could one use the dryer in the ordinary routine of a library?

Mr. Hicks: There again I wouldn't want to be held up. I want to do it right then and there, and if your little drying theatre and dark room and equipment are always in readiness the work goes on there as a routine day's work.

Mr. Vance: Is this same process used in the union catalogue, do you know?

Mr. Hicks: I think it is used, but they do not make the positives. The real problem we had was not to use this to make a copy of a card, if you just want to read it. Anyone may do it, there is no difficulty about that. If you want to send a card to another library, why, the negative is perfectly good and can be done with fewer processes and less care. But as far as I know, and the Remington Rand people would bear me out in this, our experiment is the first in which we said, "We will not use it unless we can produce a card of which we are not ashamed when put in our public catalogue along with the best typed and Library of Congress printed cards." So that it took us a long time to educate the Remington Rand representatives up to the standard we demanded. They were all thinking of commercial reproduction, the reproduction of life insurance records, for instance, where all they want to do is to be able to read them. We also wanted them to look well. So it took us months to get them to realize what our standard was. I think we have produced something which is good enough to put in the ordinary public catalogue and have them stand up as well as anything else. At least we think they will, and we will continue to use them.

A Member: You use elite type on your cards? Small type?

Mr. Hicks: If this is elite on these cards, yes.

Vice-President Magee: If there are no further questions, we will adjourn. Members who intend to attend the luncheon and who have not registered are requested to stop at the desk and do so, and also to register for the banquet on Friday night.

The meeting adjourned at twelve thirty-five o'clock.

WEDNESDAY AFTERNOON

JUNE 27, 1934

Members of the American Association of Law Libraries and the National Association of State Libraries attended a luncheon at "Chez Paul" at one o'clock on Wednesday, June 27th. Following the luncheon a visit was made to the Advocates' Library and the Courts of Justice.

WEDNESDAY EVENING SESSION

JUNE 27, 1934

The meeting was called to order by President Vance at eight forty-five o'clock.

President Vance: Ladies and gentlemen, fellow members of the American Association of Law Libraries: We law librarians are conservative, somewhat like the people we serve, the lawyers and professors of law schools. We are having tonight a Round Table. Round Table, in the American Library Association, is rather passé; they do not have "round tables" any more; they have "panels". A panel is more up-to-date and more interesting, and perhaps we might work a panel out of this discussion, and put it down on record as a panel discussion, rather than a round table, in order to keep up with our parent institution, The American Library Association.

The subject that we have under discussion tonight is a plan that was recommended by one of our members at the New Haven Conference. Mr. Roalfe of the Duke University Law School, felt, like a great many others in the Association, that it was just about time that we expanded and fulfilled our function as an association, rather than remaining in our *status quo*, with an annual meeting once a year and publication of a very useful Index to Legal Periodicals and the Library Journal. Of course we come to an interesting annual meeting and have a very entertaining time; but being, as we are, librarians of a highly specialized subject, and being close to members of the legal profession and professors of law (who, of recent years have become known as "brain trusters" and who actually have a great deal to do with the administration of the government), we ought to take a more prominent part in library work and not be satisfied to be an appendage of the American Library Association.

So this plan was presented and discussed at some length. Our good friend, the late lamented Mr. Mettee, and others said it was revolutionary and that perhaps we could not put it into effect, but others thought it was worth looking into anyway; and so a committee was appointed, consisting of Mr. Roalfe as Chairman, and Mr. Glasier of the Wisconsin State Library, Professor Hicks of the Yale Law Library, and your humble servant, and a report was finally rendered. This report has been published in our Law Library Journal, in Volume No. 25, at pages 177 to 191.

I must frankly say that while I signed the report and endorsed it fully, I had very little to do with it because I went to the hospital in December of that year when Mr. Roalfe started work on it and did not emerge until too late to take part in the preparation of it.

It has been submitted, too, at the meetings since that time, but due to the absence of Mr. Roalfe himself at the New Orleans and Chicago meetings, and due also to the depression—we might as well blame some of it on the depression; we blame everything else on the depression—we have not finally adopted the plan. However, in the meantime the Association of American Law Schools heard about this plan and expressed interest in it, and it was discussed at a Round Table in 1932 and 1933. They asked us to send a representative of our Association to

present the plan to the law school professors. Miss Newman was appointed last year and attended a meeting in Chicago. A full report of what took place there has been published in the April, 1934 number of the Law Library Journal at pages 40 to 45.

With that introduction I will turn the meeting over to Miss Newman, who is going to preside at this so-called round table, which if we want to be up to date, we must call a "panel".

Miss Helen Newman, Librarian, The George Washington University Law School: Mr. President, Members of the Association: Mr. Vance has reported to you fully on the early history of the plan, but I will review briefly the points involved. The matter first came to our attention in a letter under date of September 11, 1930, written by Mr. Roalfe to Miss Parma, then President of the Association, stating what Mr. Vance has told you, that this is a plan to develop our Association and proceed with closer contact and greater benefit to the librarians and the profession throughout the country. Some of us already had that same view, but we had not had the wisdom to put into print what we felt about these things. Many of us knew that other organizations, such as the American Bar Association, have permanent headquarters, with a full-time executive secretary; that the Association of American University Professors has two full-time executive secretaries and a clerical staff of twelve; and that the American Library Association itself, has a full-time secretary and a staff of sixty.

I was delighted when I arrived in New Haven in June 1931 and found that this matter was to be taken up. A committee was appointed, as Mr. Vance has told you, and proceeded to draw up an elaborate and complete report, together with recommendations and proposed amendments to the constitution. That report was read and discussed at our New Orleans meeting in April 1932. In October of last year the report was again presented and discussed, but no formal action was taken, the committee was merely continued. In December, the Association of American Law Schools asked that a delegate be sent to their round table on library problems. I was appointed. I attended that meeting and made a speech, in which I presented the Roalfe Plan, just as it had been given in the report which had come from this Association. In addition to the Roalfe Plan as there presented, I also presented certain additional recommendations of Mr. Vance and myself. Our recommendation was, and is, to establish the permanent headquarters in Washington. There were two points in particular which I pointed out in December at the meeting of the Association of American Law Schools: first, the City of Washington was desirable as the headquarters of our Association because the Library of Congress there gave us unusual facilities, particularly in the field of foreign legal publications; and, second, that government publications, which I know some of you find it difficult to obtain, may be obtained by those of us in Washington who are able frequently to secure them, even though they may be out of print at the Government Printing Office.

The result of that meeting in December was a vote that the matter be taken up with the Executive Committee of the Association of American Law Schools. Accordingly, in May of this year, Mr. Vance and I were invited to attend the meeting of the Executive Committee of the Association of American Law Schools. We went to the meeting, were cordially received, and found that several

of the Deans on the committee were very much in favor of our plan. Several of them particularly favored the idea of having the permanent headquarters in Washington, but felt, however, that they did not have the authority to make any formal recommendations, and carefully pointed out to us the fact that we had not in our own Association yet adopted the plan. That, then, becomes the story to date of our Roalfe Plan.

The matters for the consideration of this round table would, therefore, seem to be these:

1. Shall we recommend to the American Association of Law Libraries the adoption of the Roalfe Plan?

2. Shall we further recommend that the permanent headquarters be established in Washington?

3. Shall we recommend that the Committee on the Roalfe Plan and the Executive Committee of the Association be authorized to proceed with the matter as they may think best?

I shall now throw the meeting open for discussion, sincerely urging all of you to express your opinions on this Plan, because it is felt to be of the greatest importance to our organization and we are anxious to have a full expression of opinion.

Mr. Frederick Hicks, Yale Law School Library: May I ask that you outline the mere skeleton of the Plan?

Miss Newman: Well, the Plan involves, first, the establishment of permanent headquarters, which, of course, would have to be preceded by the appointment of a full-time, or at first, a part-time, executive secretary. The plan is to have that headquarters, in the first place, a clearing house for all information on library problems, problems of law library administration, matters involving the cataloguing and other details of administration. Secondly, in the Plan we have stated that we thought it desirable to have one central office, in which statistical information may be kept. For instance, this is the sort of thing: not long ago we had a letter from a dean of a midwestern university law school asking what salary a librarian should be paid. We went back through the old numbers of the Law Library Journal and found there some statistics, which, however, were not up to date. In other words, there is information of that kind asked for from time to time, and if we had the central headquarters such data would be kept always readily accessible. The other points were these: that the executive secretary direct the preparation of bibliographies which are needed in a great many fields, one which Mr. Roalfe mentioned in his original report as necessary is in the field of American Statute Law; some of that work is now being done, I understand, but I am sure we will find much still to be accomplished. Another point which Mr. Roalfe mentioned in his report was that an index was needed to practically every set of State Bar Association reports and the American Bar Association reports. We thought also that the Law Library Journal could be published more frequently, and the idea was to encourage contributors to that Journal, thereby giving information to the law library profession and also to members of the Bar and professors in the law school world.

Of course, we would go right forward with the other publication, the Index to Legal Periodicals. Dr. James handles that very competently for us. That

would continue. We hope to publish that current checklist of legal literature which has been published by one of our members during the last two years.

In other words, we felt that one permanent headquarters operating continuously with a full-time executive secretary would be invaluable to librarians and to lawyers, law school professors and others throughout the country.

I believe that covers the principal points, Mr. Hicks. Perhaps you would have some additional suggestions or ideas from that December meeting? You were present at that meeting of the Library Council of the Association of American Law Schools.

Mr. Hicks: No, I think I have nothing to add. I am not prepared to make any remarks, but I am quite sure that some members here will immediately say, "Yes, that is a worthy object, but what will it cost?" I think that phase of it might be presented.

Miss Newman: The plan the Roalfe Committee presented was to add to our present subscription list an institutional membership, which would be handled in this way: A library having one or two full-time members would pay $10.00 and thereafter would pay an additional $5 for each additional full-time staff member in the Library, up to $40. No school would be required to pay more than $40.

At the meeting of the Executive Committee of the Association of American Law Schools in May, one of the Deans made a good point on our plan. He suggested that $10 as a minimum was too low and that we ought to make the minimum higher, perhaps $20. It was also suggested by another of the Deans present that we might do better not to attempt to call it an "institutional membership", but simply to work out our financial plan so that it would be a service fee, charging a law school $20 or $25 for the service of the American Association of Law Libraries, instead of working it out on the institutional plan. In reading the proceedings of the New Orleans meeting you will see that Mr. Rosbrook made that point, namely, that an institutional membership might not be approved in some of the schools, whereas the idea of charging for the service would be approved. I pointed out myself in my remarks at the Round Table at the December meeting of the Association of American Law Schools that librarians pay as much as $70 for some one service in a particular field they want, without hesitation. So I just pass that on to you for what it is worth. This particular Dean said that we would get a great deal further by not attempting an institutional membership, and by basing it on a service charge.

Mr. Godard, Connecticut State Library: I am wondering how the service to be given would differ from the service given by the Public Affairs Information Service and also that information which is available to the members of the American Library Association?

Miss Newman: Our plan is to make our information primarily for law librarians. In Washington there are now certain organizations, and there are others springing up, but they are commercial organizations, they are not professional associations. They exist for the purpose of furnishing government documents and information as to what goes on in Washington, and they sell this

service for a rather large sum of money. That was one of our ideas in wanting to establish our permanent headquarters in Washington, to give, as a professional organization, service and information of particular value to law librarians.

Mr. Godard: You are acquainted with the Public Affairs Information Service, with the kind of thing they give?

Miss Newman: Yes, I am.

Mr. Godard: And what you have in mind would be different from that?

Miss Newman: Our hope is to develop this along the lines of service for law librarians, to develop it so that we can have available for them almost any kind of information they want.

Mr. Baxter, have you any opinions to express?

Mr. James C. Baxter, Law Association of Philadelphia: This information we would get,—would we be expected to pay, in addition to that, for public documents we would require, would we have to pay in addition to the institutional membership?

Miss Newman: There would be in some cases, but it would not be expensive. In some cases we might be put to some small expense, but the ordinary publication might cost $1.00 or $1.50 or something of that kind, and in many cases there would be no charge to you if we obtained it without cost.

Mr. Baxter: It could be?

Miss Newman: Yes.

Has any other member of the Association any opinion to express on this plan? We are anxious to have it fully discussed, and we feel that some of you must have some ideas about it and we hope that you will express them. Mr. Poole?

Mr. Franklin O. Poole, Association of the Bar, New York City: Have you ever made up any definite project budget for this plan?

Miss Newman: We did try to make up a budget. I have some figures here which I might just give to you.

We thought that establishing a Secretariat on a full-time basis right at first would require probably more money than we would be able to secure. We figured about $6,000 would be necessary. I notice the budget of some of the other organizations is fairly large. The Special Libraries Association has a budget of $10,000. I notice that their membership fees are all on the institutional and individual plan. Perhaps you will agree that the point made by the Dean is well taken, because they have only seventy-seven schools in the Association of American Law Schools, paying what this Dean thought would be an average of $15.00. I do not know how many full-time librarians there are in the various seventy-seven schools in the Association, but a number of them have small staffs. If we could only get an average of $15 from seventy-seven schools that would make $1,155, which would not be a great deal additional. The Deans also suggested to us that we should get support from the Carnegie Foundation. We

have discussed that, Mr. Vance and I, and it is our hope to approach them and receive some support, but we feel it is impossible to go to any group and ask for funds when we have not adopted this plan in our own Association. We can hardly hope to accomplish anything if we are not organized ourselves.

Mr. Fred Holland, Supreme Court Library of Colorado: Do you think that by establishing such a permanent office as suggested by this plan it would increase the membership and thereby augment the dues, and increase the income of the Association and thus justify the office?

Miss Newman: Yes, I think it would. The fact that we had a permanent office established would make us very much better known, for one thing.

Mr. Holland: In regard to the information which you would hope to supply as connected with this permanent office there, as I understand it, you would probably supply the printed matter of the government at the request of librarians generally, matter that they are not able to get promptly from the Superintendent of Documents. Is that what you mean, rather than any information which you might collect and supply? As printed matter?

Miss Newman: That would be only one part of the work of the Secretary —supplying government documents. Perhaps I over-emphasized it, but I did it because it seemed to make a strong appeal to several of the Deans from schools situated at a distance from Washington.

Mr. Holland: I know personally from my place we have difficulty in obtaining from the Government Printing Office material we would like to have promptly, and for that reason I am wondering if that would be within the scope of the duties of this office?

Miss Newman: If this plan is adopted by the American Association of Law Libraries, I think this sort of thing would be definitely an important part of the project.

Miss Olive Lathrop, Detroit Bar Association: If this plan is adopted, I understand that the American Association of Law Libraries turns over to this permanent secretary its secretarial duties? The permanent secretary becomes the permanent secretary-treasurer of the American Association of Law Libraries?

Miss Newman: That is correct.

Miss Lathrop: And all business would be conducted from that office, the same as it is done in the American Library Association?

Miss Newman: Yes, just as the business of the American Bar Association is conducted by Mrs. Ricker.

Mr. Holland: Would the Secretary be selected and elected by this organi-

Miss Newman: Yes.

Mrs. Lotus M. Mills: Had you counted up the other libraries? There are others, there are the Law Schools, the Bar Associations and the Libraries of the Supreme Court, the County Libraries, that would become institutional members? That would increase it.

zation, just as at present?

Miss Newman: That would at least double the amount, I should think.

Mrs. Mills: But it would not make $6,000.

Miss Newman: Our friends the Deans felt that we were not giving ourselves enough leeway to start with, they felt that $10 was not adequate, but the committee on the Roalfe plan has not made any change in this because it had not come before you and we hoped for some expression of opinion from you as to what you thought on the question of the institutional fee plan.

Mr. Daniel; Howard University Law School: The institutional membership fee would be in addition to the individual membership fee as it is now?

Miss Newman: No, and that would reduce the revenue again. The institutional membership fee would, I believe, cover the membership of the librarians in the particular school, except as, possibly, the head librarians might want to continue to pay the Individual Membership of $5. I doubt if the assistants would want to pay the individual fee when the school was paying $25 or $30 or whatever it happened to be.

Miss Parma, since you were President of the Association when the plan was first presented, I am wondering if you can give us any ideas or if you have anything new to add on the subject?

Miss Parma, Boalt Hall of Law, University of California: Well, we have the author of the plan here, why not call on him?

Miss Newman: A good suggestion. Mr. Roalfe?

Mr. Roalfe; Duke University Law School Library: I had very much hoped that I was going to have the privilege of listening this evening to everyone else. It is rather diverting, if you look at it impersonally, to have holes picked in a scheme to which you have given a great deal of thought.

However, I feel just the same as I felt three years ago, that there is a wonderful opportunity before this organization to exploit the field of service to the members of the Bench, Bar, and that includes members of the Bar who belong to the teaching profession. During the remarks this evening, it seems to me emphasis has been placed upon the law schools. I think that is a mistake. I see it from that angle because my work lies in that field, but I believe that the services that we can render will be just as beneficial to the Bar Libraries, and in talking with two or three librarians from Bar Libraries in the last few days, I have had my convictions confirmed.

There is one remark I would like to make at once, because it will clear up some of the hesitation in the minds of most who have spoken tonight. You will recall that in the original recommendation, the committee set forth the scheme as a goal, in detail, and then admitted that it would be impossible to carry this program out immediately, and perhaps it is what might be called a transitional program.

I think we have two problems to consider, from two points of view. Do we want to adopt this general scheme as an ultimate goal, as something at which to drive? If so, then how? Obviously, the financial side is very important. I for

one do not think it presents any insuperable difficulties. The finances necessary to carry out our expectations will be forth-coming, both from additional memberships and from outside sources, if and when we are in a position to make a request for help in a way that carries conviction.

But to return to the original point. I think we should keep in mind that all of this does not have to be done in a month or a year or two years, and that we should try to set forth on something of a transitional program. For instance, if we can't afford a full-time secretary, let us get started on a part-time basis and aim at full-time later. There is a continuity which would come from having permanent headquarters located in Washington, for example, if we all feel it would be advantageous to locate the headquarters there; personally, I think it would be extremely advantageous, because it provides a service and facilities, and because prestige naturally comes from that location.

I cannot see why, if we commit ourselves,—and by that I mean adopting the plan as something we want to carry into effect,—if we commit ourselves to the incurring of expenses we cannot afford, well, of course, obviously the officers of this organization are in duty bound to keep within the budget available; but what I would like to see here to-day, because we have loitered long enough, is the adoption of the plan, and with that adoption the authorization or recommendation to the officers during next year to explore all possible means of commencing to carry it into effect.

An interesting thing this evening is that we have heard how we have lost several opportunities simply because we have not had the plan approved and confirmed by our own Association. I think it is nothing less than a calamity, for instance, that when our representatives are invited to meet with the Deans of the leading Law Schools, they should have had them point out that we were asking for collaboration and did not even have the support of our members. The same situation exists with respect to the members of the Bar. There are members of the Bar of considerable prominence who believe in what we are looking forward to and would be willing to help us. But until we take the step ourselves and make a start, we cannot expect anything. We must take the first step, and then the movement will gather momentum, and as it gathers momentum we will see our way.

We do not commit ourselves to any final type of service or anything of that kind. We will feel the demand impinging upon our headquarters when it gets going, and will insist upon common solutions of tasks we are now doing separately, and very often poorly. I know for a fact that in my own library, if we could get the kind of documentary service we wish, by return mail, when we want it by return mail, we would be perfectly willing to pay our share for that service and for any other service that the Association could render to us.

We pay so much for this and so much for that, for all sorts of things that we need, so much for books, and so on, and it makes no difference where you spend your money; you are going to spend a certain amount, and the best thing is to put it where you get the greatest value. I continue the offer of being perfectly willing to have holes picked in my ideas, and I will attempt to answer them, but I very much prefer that the discussion come from the floor. (applause).

Miss Newman: We are very happy, indeed, to have Mr. Roalfe's very helpful remarks and explanations. We are very fortunate in having him back with us this evening. Are there any other members of the Association who want to speak on this matter? I might just read the recommendations which Mr. Roalfe referred to in the report which was made at the New Orleans meeting. It does emphasize the fact that this will be a transitional program, and we need not get into this all at once and incur hazards financial or otherwise. I will read this quickly:

Miss Newman read quickly from the report, as follows:

Miss Newman: (Excerpts From XXV Law Library Journal, pp. 187-188): "3. An immediate transitional program.

Realizing that the execution of the above program will require a considerable period of time, and knowing that progress must be made step by step, the Committee wishes to emphasize certain of the changes recommended, with a view to urging their immediate adoption in order that a substantial beginning may be made and a transitional program inaugurated such as will gradually expand in the manner suggested. The measures specifically proposed are as follows:

a. The adoption of this report and the general program set forth, as a suggestive guide for the future activities and expansion of the Association, it being understood that each specific recommendation is to be put into effect when and as convenient and appropriate, and it being further understood that such action is in no way intended to preclude the future activities of the Association in directions other than those stated.

b. The adoption of all of the proposed amendments to the constitution and to the by-laws in order that progressive steps may be freely taken as required. (For text of proposed amendments see Appendix A, page 19.)

c. The vigorous development of such financial resources as lie within the membership of the law library profession itself by making every reasonable effort to increase the membership whether on an individual, institutional or associate basis.

d. The adoption of general instructions to the President and Executive Committee authorizing them to proceed with the development and expansion of the Association as provided in this report, either directly or through the appointment of committees, or otherwise, subject to the limitations imposed by the constitution, by the financial resources of the Association and by sound administrative policy.

e. The appointment of an Executive Secretary for the fiscal year 1932-33 [1934-35] on a part time salary basis, to take charge of the activities of the Association, subject to the direction of the President and Executive Committee, it being understood that an Executive Secretary will be appointed on a full time basis when sufficient funds are available."

Miss Newman: I believe those recommendations cover the point Mr. Roalfe was making for you, showing that the plan is to be put into effect gradually.

I am sure that some of you must have ideas and questions which you would like to put before Mr. Roalfe. We are fortunate in having him here. He is the author of this plan, originally, and can answer almost any question.

The Chair hears no further remarks. If any member would feel that he wished at this time to make recommendations to the Association for the vote of the Association at its regular meeting on Thursday or Friday of this week, the Chair will, of course, entertain any such motion or recommendation.

Mr. Holland: May I ask Mr. Roalfe this? In glancing through the lists of members of the Association in the Standard Legal Directory, I see that only a small percentage of the law libraries are represented in our Association. Under this plan does Mr. Roalfe think that we could increase our membership by a considerable number and thereby help the Association along as regards our finances?

Mr. Roalfe: Three years ago I thought we could do it. This year we can all see it. We know we can. We have heard from Mr. Vance that the increase this last year has been nearly fifty members and that pledges are coming in every day. The total of fifty new members simply shows that we have not begun to exhaust the possibilities of additional membership.

Now, another angle is the educational effect of a more vigorous policy. There are a great many potential member libraries that do not come within this category now because they are not administered by men or women who are interested. I think one of the most important functions that this Association can be concerned with is that of educating the members of the legal profession to the necessity of having a more efficient administration of its libraries the country over. When that time comes we will have increased our potential membership and perhaps our actual membership two or maybe ten-fold. We cannot tell. The country is developing. Sections of the nation in which members of the legal profession have practiced virtually without books are reaching such a state of development that the old ways are no longer possible. Graduates of our better law schools are scattering themselves all over the country. They are making a demand, and the demands will have to be met.

I want to stress again the fact that although I look at all of these things from the law school point of view, it seems to me that we have entirely overlooked the possibilities of the moral and financial support that we could get from the legal profession, a profession with vast numbers and of tremendous strength, including men of great wealth and in positions where we can expect help.

If I were not so interested in seeing this go over I would not speak so at length, but it seems to me that we are now at the cross roads. This is a time such as comes in the history of any organization that lives, a time when to stand still is to die. We must either go forward, or neglect our very great opportunity, and going forward only means a healthy growth. I do not think we have to take any undue financial risk. The steps can be taken one by one as the money becomes available.

Professor Eldon James, Harvard Law School Library: I should feel inclined, if you and those present agree, to move that the incoming officers of the Association be directed, as you stated it, to put as much of this plan into effect as they think is feasible, with a view to the ultimate putting of the whole plan into effect. That means a consideration of what type of membership is best, whether institutional or on a service basis. Personally, I prefer the institutional type.

Primarily, I for one am interested in certain other features of the plan rather than the service feature of it, but I can readily understand that many may be much more interested in the service feature than in the bibliographical feature and that sort of thing, in which I am quite deeply interested. At any rate, it seems to me that the time has come to authorize the officers to do something, and we ought to make a recommendation to that effect.

One of the things to be considered would be the possibility of incorporation, so that we can receive gifts for specific projects. You will never be able to get money generally from the Foundations unless you take a specific project to them; you may or may not get it then, but you certainly will not get it without a specific project. And there are so many projects of prime importance, not merely to legal but to other fields, such as the social sciences, in connection with which legal materials are constantly required in order to promote and advance such subjects. I for one would like to see no stone left unturned so that we can get ourselves into a position to promote them.

I therefore make a resolution: That we recommend to the Association that the incoming officers be instructed to put the Roalfe plan into effect, at least to put so much of it into immediate effect as they think possible at the present time, and to take into consideration all the elements involved in order to carry out the plan. Perhaps somebody else can phrase it much more clearly,—in fact, you stated it there in something appended to the Roalfe report.

Miss Newman: Your recommendation is quite clear. You have made a motion that this round table recommend to the Association at its business meeting that the incoming officers be authorized and directed to proceed with the Roalfe Expansion Program in accordance with the proposals as to the transitional period as set forth in Mr. Roalfe's plan, which I have just read.

Mr. Holland: Seconded.

Professor James: I would like to see them go ahead with it, but I think we ought to give them a free hand and let them know that the Association approves of it and would like to see it put into effect. Their judgment may be that certain features might have to be modified and they may want to make recommendations or suggestions. They probably would like to have the backing of the Association but I would not think it well to tie their hands definitely to certain details which may need considerable thinking over when it comes to putting them into practical force and effect.

Miss Newman: I am very happy to have Dr. James make the motion. I recall that at the New Haven meeting in 1931 a splendid paper of his was read in which he set forth his plan and visioned further progress. It was before we had taken up the Roalfe plan but it proved further that there has been this idea in the minds of several of us and the ideas happened to coincide at that meeting.

It has been moved and seconded that the round table make these recommendations to the Association.

Mr. Vance: I have hesitated to speak on the plan any further than the opening statement which I made, because of the very clear statement that was made by the chairman of the round table and the additional remarks of the au-

thor of the plan and other members of the committee, and particularly Professor James, who has presented the resolution. But there are several practical matters of detail in connection with the putting of the plan into effect that I should like to speak about. I think it may clear up some fears on the part of members that we are going into debt and going to obligate ourselves to do more than we are able to do, taking into consideration the small membership we have and the condition of our exchequer as reported by our Secretary-Treasurer at the opening meeting,—I think she said we had about $50 or $60 in the treasury for ordinary expenses.

As far as the expenses of setting up the headquarters are concerned, let me say that the Library of Congress offers very remarkable facilities, and as time goes by the facilities will be better, because the government has appropriated six million dollars for a new library annex; we are a bit crowded where we are now but we expect within a few years to have plenty of room for the books as well as for research workers, writers and students. But the American Library Association, as large as it is, and as much money as it gathers in from the various Foundations, uses the Library of Congress tremendously and the cooperation is splendid. There is a full staff there of cooperative cataloguers working at present, using the facilities of the Library of Congress in the matter of space, reference works and so on. The Library of Congress is always glad to place at the disposal of such worthy projects space to work in, and, as I see it, there will be no objection to our Secretary in Washington, be it a permanent Secretary or a half-time Secretary, or even a quarter-time Secretary, having a place to conduct the affairs of our Association. And there are other details, too, that might be of interest to you, as members. For instance, the American Bar Association up to last year was paying a man in Washington $200 a month for work in connection with gathering the reports of committees and hearings. $200 a month! I think in addition they paid him $50 a month for the letter that was written to the Journal on the federal legislation, a monthly letter. Mr. MacCracken, the Secretary, said to me that they did not consider in these times that they should be paying that amount of money, and asked if it wouldn't be possible for us to help them out at the Law Library of Congress, as we have a branch in the Capitol. I told him that we would, willingly, that we would be glad to do it, that there was one of the young men on the staff who could do it after hours, and it would not cost much. I asked the young man what he wanted and he said he wanted $50 a month. Fortunately, for the young man, he has gotten a better job now, but during the sessions of Congress of the last six months he earned $300 without doing very much work, gathering these committee reports, which, of course, is very important to the American Bar Association Committees in the matter of legislation. There are only a small number of these reports printed and the supply is very soon exhausted unless a person is on the ground and gathers them up. Many of them do not get out to the libraries and institutions that should have them, and sometimes we have found we have not got a sufficient number of copies in the Library of Congress. Mr. MacCracken spoke to me over the phone the other day and asked what arrangements could be made next year when Congress meets, and I said I could find him somebody who would do that work for the American Bar Association. So there is an avenue or source of revenue that

will be easily available, and the same service to other institutions would doubtless come very readily.

There are often similar inquiries that lawyers send in to the Law Library and we find them often not properly within our function. Frequently they ask me to find somebody to handle the research for them, and where possible I get some of the members of the staff to do it after hours. I usually turn it over to them, because librarians as we all know are always underpaid and I am very glad to have an opportunity to increase their source of income.

So I think that as far as the headquarters go there will not be any great expense, and in addition there is likely to be for the first year $500 or $600 of revenue that we can offer just as a starter there from the Law Library of Congress.

Mr. Hicks, Yale Law School Library: That revenue would come to the American Association of Law Libraries?

President Vance: Yes.

Mr. Hicks: Is this an offer of office space for the headquarters? Do I understand it that the headquarters of the Association physically could be in one of your buildings?

President Vance: I would not like to put that on the record without consulting the Librarian, as of course I have not any authority to do that. But other activities that are operated under the auspices of the American Library Association have a staff right there in the Library of Congress and have the headquarters where their work can be done. The expense of the room would not cost anything if it were right there in the Library. But there are many small buildings near there; they are old two and three-story buildings that house a number of these organizations that feel that they have to be represented in Washington; I do not think the rental on them is very much. But I think that for the first year we could plan to dispense with anything of that sort and simply have the secretariat at the address of the person elected secretary, and later on the place would work out, as either in the Library of Congress, in one of the study rooms, or in the new building. I hesitate to obligate the Library, to go on record as offering the Library of Congress as a headquarters. I have not any authority to do that, but the physical part of the work could certainly be carried on there. The address might temporarily be given as at the residence of the worker or Secretary. For instance, the Association of the Bar for a number of years had its address where the President was, just as Mrs. Mills, our Secretary-Treasurer, has her office where her library is.

Miss Lathrop, Librarian, Detroit Bar Association: From what I have heard, I think that permanent secretary is going to be about the busiest person I know anything about.

I could just suggest an added source of revenue, in that one of our leading law firms in Detroit told me that it was getting to be impossible to practice law without keeping a paid assistant in Washington to furnish them with the information that they needed. Now, if this plan should go through, if there were some way in which these law firms could be induced to secure from this authoritative

place, this headquarters, such information as they required from Washington, I see no reason why, in addition to having institutional memberships, you should not have a contribution from our law firms.

Miss Newman: That is very helpful, Miss Lathrop. I think that helps to encourage some of the members who are worried about the financial difficulties. Are there any further remarks?

Mrs. Mills: I might say, coming from a law firm, that we had that same difficulty of obtaining material in Washington, before this year, when we established a connection with a law office in Washington. Now this office secures publications for us. If we had had this association headquarters there, we should not have needed to bother our correspondent in Washington.

Miss Newman: I believe we will find a great number of organizations similar to those mentioned, who have been paying out rather large sums of money to individuals or commercial organizations in Washington for this service. There is one commercial organization which has been doing that work since 1926. They, however, do not guarantee to furnish any material except that which is immediately available from official sources, which, of course, means that if the publication you happen to want is out of print and the Government Printing Office tells them so, they will not be able to get it. But if we had this headquarters of the Association there we would be able to obtain such things more readily than a commercial organization could.

Are there any additional remarks?

Mr. Hicks: I wonder if Dr. James would be willing to add to his resolution the definite recommendation that the headquarters of the American Association of Law Libraries should be in Washington, so that that much at least would go from this round table meeting as a definite recommendation?

Professor James: I have no objection. The only thing I do object to is the "Doctor". I have been called that on various occasions. I remember that one night at three o'clock in the morning in Washington I was asked to go over to an old lady. I asked what was the matter. "Oh," they said, "We think she is dying". I asked what they wanted me to go to her for. "You are Dr. James, aren't you?" "Yes, I am, what do you want me to do, make her will?" "No." "Well," I said, "You had better call up some other kind of a doctor." (laughter)

Miss Newman: In that case we will ask the secretary to record "Mr." James in the official proceedings.

Mr. Hicks: You would accept such an amendment?

Professor James: Oh yes, indeed.

Miss Newman: Is there any further discussion? If not, are you ready for the question? The question is on the resolution of Mr. James that this Round Table recommend to the American Association of Law Libraries that the incoming officers go forward with the Roalfe Plan and that the permanent headquarters of the Association be established in Washington. All those in favor of the motion please signify by saying "aye". Opposed? None.

The motion is unanimously carried.

Mr. President, I now turn this round table over to you. I really feel that this has, after all been a *panel* discussion, for when I asked a professor friend the difference between a panel and a round table he said, "If it's a panel it may mean that you will have to answer all the questions!" So perhaps it has been a panel. In any case I now turn the Chair over to you for such additional remarks or suggestions as you may want to make. (applause)

President Vance: I feel that we have had enough discussion of this plan, and action is necessary; that action will speak much louder than words, and I hereby pledge myself to do as much as I possibly can in my humble position in Washington to carry this plan into effect, and until it is carried into effect I am at the service of the Law Librarians throughout our country to give this same service that we hope to put into effect through adoption of this plan. (applause).

Mr. Holland: In view of the fact that the discussion has been under the round table plan, I move that immediately after the adjournment of this round table discussion a regular meeting be called in due order to take such resolutions in the matter as may be proposed.

Professor James: Perhaps we had better let it go over until the regular meeting which is called for Thursday or Friday?

President Vance: Yes, I think so. If there is no further discussion, I believe the round table stands adjourned. I am delighted that through your attention and interest this matter has at last reached a formal recommendation.

Professor James: I think we ought to give Mr. Roalfe a vote of thanks.

President Vance: I would like to put that motion, will the meeting kindly reassemble? It is moved that Mr. Roalfe be given a vote of thanks for having initiated this plan.

Mr. Hicks: Seconded.

President Vance: It has been moved and seconded that the round table give to Mr. Roalfe a vote of appreciation for his interest and help in this plan. Are there any further remarks? If not are you ready for the question? The question is on Mr. James' motion to give a vote of thanks to Mr. Roalfe as stated.

The motion is carried unanimously. (applause.)

Mr. Roalfe: May I just say one word more, not by way of thanks, although I appreciate it, but I believe the thanks are unmerited. What I do want to say is that during the entire year when the committee was working on this plan, we made it a point of honor that as many members as possible should be consulted, and it is only fair to state here that this plan is the result of the thought and efforts of a very large number of the members of this Association, and particularly the older members, who had had a great deal of experience. I should not like to let this meeting close without being on record to that effect.

President Vance: Thank you, Mr. Roalfe.

There is the following notice which it is my pleasure to communicate to you: The Montreal Public Library requests the honor of your presence at a reception on Thursday night at nine o'clock, June 28th, in honor of the delegates attending the conference of the American Library Association.

All those who have not made their reservations for the dinner on Friday evening will please sign the roll.

The program for tomorrow is a joint meeting between our two sister Associations, The National Association of State Libraries, Miss Irma Watts presiding, and the American Association of Law Libraries. Mr. Warwick Chipman has thought that his paper on the subject of "The French Canadian Legal System" conflicted somewhat with the paper on Friday of Mr. Johnson, with which conclusion I disagreed, but he has asked to be excused, and Mr. Johnson will substitute tomorrow for Mr. Chipman. Mr. Walter S. Johnson is a distinguished member of the Bar of Montreal and a King's Counsel and distinguished author, having just published last year the first volume of his book on Conflict of Laws in two volumes. In press he also has another book, the translation of an early French book by a judge of the 16th century in France. He is very much interested in legal history, and I am sure we will all be glad to hear Mr. Johnson. Of course, we remember the treat we have in store from Professor James on the Harvard Law Library. I am not saying "Mr." or "Doctor," but Professor.

A Voice: We all know whom you mean. (laughter)

President Vance: And then we have also the Inspector of Records for the Board of Notaries of Montreal, Mr. Terrault, and Mr. Francis S. Philbrick of the University of Pennsylvania Law School. So I know there will be a full attendance to hear these most interesting addresses.

The meeting adjourned at 10:05 p.m.

THURSDAY MORNING SESSION

JUNE 28, 1934.

JOINT MEETING OF AMERICAN ASSOCIATION OF LAW LIBRARIES AND NATIONAL ASSOCIATION OF STATE LIBRARIES.

The meeting was called to order at ten-fifteen o'clock by Miss Irma A. Watts, President of the National Association of State Libraries.

Miss Watts: One of the advantages of having our meetings in Montreal is the opportunity of hearing about the different methods and systems that are used in the conduct of affairs in the Province of Quebec. Therefore, the first address this morning will be about the Notarial System of the Province of Quebec, by one who has practised as a notary until last year, when he was appointed Inspector of Records of the Board of Notaries in the Province of Quebec, a position of the very highest importance, indicating the confidence reposed in his integrity, as he is responsible for the inspection of all records of other notaries. I have pleasure in presenting Mr. G. A. Terrault.

Mr. G. A. Terrault read his prepared address, which was received with applause.

Mr. G. A. Terrault, Inspector of Records, Board of Notaries (The Notarial System in the Province of Quebec.) While it is surrounded by countries governed by English law, the Province of Quebec still has a system of Civil Law based on the principles introduced therein by France. Amongst its characteristic institutions is the Notarial profession, which is not always well understood in countries where no such organization is in existence.

The Legal Profession, in this province, is divided into two branches:—one represented by the members of the Bar, and the other by the members of the Order of Notaries, and a member of one cannot be a member of the other.

The Notary could be described as follows:—

He is a public officer versed in law, whose chief duty it is to draw up and execute deeds and contracts to which the parties are bound or desire to give the character of authenticity attached to acts entered into under public authority, to assure the date thereof, to have and preserve the same in safe keeping and to deliver copies thereof or extracts therefrom. Notaries are appointed for life, with concurrent jurisdiction throughout the province.

Notaries existed in Rome, where they were called Tabellions, Scribes, Notaries, etc., according to their different functions and France adopted them with the Roman Law. In the course of time and by different laws and edicts, the notaries have had different attributions and rights, and when this country was founded by Champlain, the French law, as contained in the Coutume de Paris, became the law of the land. Notaries came with it. When in the year 1763, by the Treaty of Paris, this country was ceded to England, the Civil Law as then existing, was maintained with its institutions, and so, we have in this Province, a system of Civil Law based on the principles of the Coutume de Paris, and Notaries as they existed and still exist in France.

The reason for the institution of the Notarial profession would be that, beside those whose duty it is to plead the rights of men and to judge them, the welfare of society demanded the appointment of others who, as disinterested and impartial advisers, should prevent difficulties and differences between men of good faith, by writing their conventions with care and clearness, explaining the full extent of the obligations contracted, imparting to them the character of an authentic act and the force of a final judgment, and preserving their deposit with fidelity. The parties to a deed executed before a Notary in this Province have therefore a public witness to whom they can refer for evidence of the truth of th agreements made before him, and attested by his signature, which gives to the deed such an authentic value that it can only be attacked by an "inscription en faux" or improbation.

The responsibilities of a notary are therefore great and require special qualifications.

In order to be admitted to the study of the profession, the young man must be a British subject. He must also have taken and concluded a complete course of classical and scientific studies, in French or English, in an incorporated institution within or without the Province, where a complete course of such studies is given.

He must then undergo a public examination before the Board of Notaries upon his classical and scientific attainments and upon his knowledge of the French or English language.

However, if he possesses a degree of Bachelor of Arts, Bachelor of Letters or Bachelor of Sciences granted to him by a Canadian or English University, he is exempted from this examination.

After having obtained a certificate of admission to study, the student must, by authentic deed, become articled to a practising Notary. He must read law during five consecutive years. Nevertheless, a student who has followed a regular course of law in a University of this Province, for two years, and who has passed the regular examinations during this period of two years, may be admitted after four consecutive years of studentship; and if he has followed a complete and regular course of law for three years and obtained a degree in law from such University, he may be admitted at the end of three years of studentship.

The term of his studentship being expired, the student must undergo an examination held publicly before the Board of Notaries, comprising the science of law, the practice of the Notarial profession and the drawing up of Notarial deeds and the general elements of accountancy. This examination must always be passed, the degree in law that the student may have obtained giving him only the privilege of a three-year studentship instead of five, and before being admitted to undergo such examination, he must prove that his behaviour has been good during his studentship and that he has served under a practising Notary during the time required according to the legal studies he has gone through.

This examination before the Board of Notaries is very severe and even candidates who have obtained a degree in law from a University have often been known to fail. If he succeeds the student is then admitted to the practice of the Notarial profession.

You will see from the above, that the formation and qualifications of a Notary are of an exacting nature, and equal the requirements for any member of other professions. In fact, most of our Notaries possess a degree of Bachelor of Arts and of Bachelor of Civil Law, or its equivalent.

The professional body of Notaries is designated by the title of "Order of Notaries" under the terms of the Notarial Code, Statutes of Quebec, 23 George V, Chapter 80, which defines the rights and duties of Notaries.

This Order is represented by the "Board of Notaries" which is composed of the former Presidents of the Board, who are members "de jure" and of forty-three elected members representing the different districts of the Province.

For the purpose of representing the Board, of administering and carrying out urgent business respecting discipline and other matters of interest to the profession, the Board of Notaries is itself represented by five of its members called the "Council of the Board of Notaries" whereof the President of the Board is a member "de jure". This Council is vested with all the powers of the Board with few exceptions, when the latter is not in session, and meets regularly at short intervals.

The Board itself is elected for three years, and meets once a year, except for special and extraordinary reasons, and at its first session of each triennial

term, it elects from among its members a President, a Vice-President and a Syndic. It also elects from among the practising Notaries, a secretary-treasurer and an inspector of records, who remain in office during good conduct and capacity to act, and who cease to practise their profession from the time of their appointment and cannot hold any other remunerated office without the consent of the Board.

It is the special duty of the Syndic to supervise the discipline of the Notarial profession. He immediately informs the President of the Board of every violation of the By-laws and of the conduct of any Notary derogatory to the honor of the profession and acts as prosecutor against Notaries before the Board or before the Council of the Board.

The Secretary-Treasurer is the custodian of the Archives and of the funds of the Board. He must also perform all other duties or functions entrusted to him at any time by the Board or the Council.

As to the inspection of records, I will speak of it later on.

The Board of Notaries has wide powers to enact By-laws concerning the organization of the profession, tariffs of fees, the maintenance of discipline among Notaries and to decide on what professions or occupations are incompatible with it.

May I draw your attention here to the fact that, as already stated, Notaries are appointed for life, and they cannot therefore be dismissed or disbarred by any government or tribunal other than the Board of Notaries or its Council, who have the power to suspend a Notary from the right to practice his profession or to remove him entirely from the office of Notary, if he is guilty of an act derogatory to the honor of the profession, according to its gravity. The Notary of the Province of Quebec being free from the vicissitudes of periodical nominations, elective or otherwise, can devote himself to the practice of his profession, without fear for the future. This appointment for life does not in any way impose on the liberty of the public, because if the Notary has the right to practise, it is only the trust that his clients may have in him that will afford him the opportunity to exercise this right, as you may go before any Notary you choose.

If the Notary has rights, he also has obligations.

He must have a suitable place for his office and keep the originals of the deeds he signs, his repertory and index in a proper state of preservation in a fire-proof and damp-proof vault or safe.

He must keep secret confidences made to him professionally and observe in the practice of his profession, the rules of the most scrupulous honesty and impartiality, keep a regular account of all sums of money received or collected by him for others, in his capacity of Notary.

The deeds executed before a Notary are authentic. This is important. A deed is said to be authentic when it is received as genuine without question or without the necessity of proving its execution. It makes proof of the obligation expressed in it, of what is recited therein, if the recital has a direct reference to the obligation or to the object of the parties in executing the document.

And the law provides that an authentic writing may be contradicted and set aside as false in whole or in part, upon an improbation or "inscription en faux" and in no other manner.

There are two kinds of notarial deeds:—

A deed "en minute" is that which a Notary executes and retains in his office to deliver copies thereof or extracts therefrom. Notaries are bound to keep the minutes of all deeds which they receive, except those hereafter mentioned which they may execute "en brevet", if the parties so require.

Deeds "en minute" must be numbered consecutively, and the Notary must have and keep in good order and in proper state of preservation a repertory of all deeds so passed by him, in which he must enter, consecutively, the date, the number, the nature or character of such deeds, and the names of the parties. With the same care, he must make and preserve an index to the repertory.

He shall, in no case, suppress, destroy or alter any deed "en minute", when once signed by him, or deliver it to the parties or any of them. If it be necessary to make changes, the parties may do so only by another deed.

No Notary shall allow any deed "en minute" or papers annexed thereto to go out of his possession, except in cases provided by law, and the law foresees only two such cases:—When improbation proceedings are taken against the deed, or when a complaint being laid against a Notary before the Council of the Board of Notaries, the latter orders the production of the deed. And I call your special attention to this fact, that the Notary is the depositary of his deeds "en minute", and must never part with them; they must always remain in his office, and he can only deliver copies thereof or extracts therefrom.

The other kind of Notarial deed is called "en brevet". In this case, the original, whether single, duplicate or multiple, is delivered to the parties by the Notary. This deed "en brevet" is not numbered nor entered in the repertory and index.

The deeds that a Notary executes "en brevet" are the declarations, advice of family councils, appointments and reports of experts in matters respecting minors or incapable persons which must be received "en brevet". The reason for this, apparently, is that such deeds are reports of proceedings made under the authority of the Court which must render judgment thereon, these original deeds being then deposited in the archives of the Court with the other proceedings.

The other deeds which may be executed "en brevet" are life certificates, powers of attorney, authorizations, receipts for farm or house rents, wages, arrears of pensions, or other such ordinary deeds.

All notarial deeds must be carefully made. Under the law, they must be written on good foolscap paper, with good ink, without abreviations, blanks or spaces not filled up by a stroke of the pen. The use of printed forms is accepted, as well as the use of typewriters, but only the sheet of paper on which the typing is directly done may serve as an original, to the exclusion of any carbon copy. Sums, dates and numbers which are other than simple indications or references not absolutely essential, must be written in full.

The names, callings and residences of the parties to the deed must be known to the Notary, or certified in the deed by a person of full age, who is known to him, intervenes in the deed and is able to sign.

There must not be in the body of the deed or in the marginal notes, any words written over, nor any interlineations or additions; and any words written over, interlined or added are null. Erasures must be made in such a manner that words erased or struck out may be counted.

Notes, additions and extended lines must be written in the margin only, and must be certified with the signed initials of the subscribers to the deed, under pain of nullity of such notes, additions or extended lines.

Mention must be made in the deed of the number and approval of the marginal notes, the number and nullity of the words erased or struck out, and the number and approval of the extended lines.

The deed must be read to the parties by the Notary or by another person in the presence of the Notary. This does not apply to Trust Deeds if the parties expressly declare, in the deed, to have exempted the Notary from doing so, nor to notarial wills which cannot be read by another person but the Notary. All deeds must be signed in the actual presence of the Notary.

Powers of attorney or other documents "en brevet" or by private writing, when produced, must be sufficiently described in the deed and then annexed thereto; private writings so annexed must be acknowledged to be true, and signed by the parties who produce them, in the presence of the subscribing Notary.

Such are the safeguards surrounding the drawing up and execution of a notarial deed, but there is one deed for which there are more formalities. It is the notarial will.

In this Province, three kinds of wills are acknowledged as valid:—

The Notarial or authentic will.

The will made in the form derived from the laws of England.

The holograph will.

The holograph will is the one which is entirely written by the testator himself and signed by him.

The will in the form derived from the laws of England may be written by anybody, and is signed by the testator and two witnesses who sign in the presence of the testator at his request and in the presence of one another.

The notarial will must be made "en minute", that is as an original deed remaining in the archives of the Notary, in the presence of two Notaries, or in the presence of one Notary and two witnesses; the testator, in their presence and with them, signs the will or declares that he cannot do so, after it has been read to him by one of the Notaries in the presence of the other, or by the Notary in the presence of the witnesses. Mention of the observance of the formalities must be made in the will. The witnesses must be named and described in the will. Women may act as witnesses, but a woman cannot be witness if her husband also acts as witness to the same will, nor can the wife of the Notary who receives it, nor his clerks and servants. Nor can a will be executed before Notaries who are related or allied to the testator or to each other in the direct line or in the degree of brothers, uncles or nephews.

The advantages of the notarial will are evident, because it is surrounded with all kinds of formalities which guarantee its authenticity, and is left in safe keeping in the hands of the Notary, while the others may be easily lost, stolen or destroyed.

The deed "en minute" as I have told you is that which the Notary executes and retains in his office to deliver copies thereof or extracts therefrom.

The right of furnishing such copies or extracts, belongs only to the Notary who is the custodian of the original, (or to the officer of the Court, where

eventually all notarial deeds must be deposited as will be seen later). Copies are the faithful reproduction of the text of the original minute or annex, certified as true copies of such minute or annex; and extracts must contain the date of the deed, the place where it was passed, its nature, the name and description of the parties, the name of the Notary who received it, and the text of the clauses or portions of clauses which are required as extracts, and finally the day on which the extract was made, mention whereof must also be made on the original.

What is the value of such copies or extracts?

The Civil Code of the Province provides that copies or extracts of a notarial instrument certified to be true as previously stated are authentic and make proof of what is contained in the original. This means that such certified copies and extracts have the same value as to proof as the original itself, and also that they may be contradicted and set aside as false in whole or in part, upon an improbation or "inscription en faux" and in no other manner.

It follows therefore that the deed executed before a Notary has an extraordinary force as to evidence. A Notarial copy of a deed is "prima facie" evidence of its execution.

Any registry office, banking institution, trust or insurance company will accept them as having the same value as the originals. You can go to court with a notarial copy of a document signed by a man who is miles away, and, unless proceedings in improbation be taken against it, the proof of its execution is complete; whereas with a document executed under private signature, unless the other party admits the execution of the document, you may have difficulty in proving its execution. And this is why the original of a notarial deed is never called for.

As already said, no Notary shall allow any deed "en minute" or papers annexed thereto to go out of his possession.

I insist on this point, because Notaries are often asked to produce originals of wills for probate purposes, by legal men from localities where the laws in this connection are not similar to ours. In the Province of Quebec, the holograph will and the English will are subject to probate, but the Notarial will is not. Articles 856 to 862 of the Civil Code cover the probate of wills, but the first article enacts explicitly:—"The originals and legally certified copies of wills made in authentic form make proof in the same manner as other authentic writings".

Moreover, inasmuch as deeds "en minute" must always remain with the Notary and under his control, I repeat that it is impossible to deliver it for probate in any other province or state, a certified copy of the original, which in virtue of the law has all the characters of authenticity, being the most that a notary can deliver. Generally, however, when probate is required outside of this province, the Courts and Judges, after explanations, are satisfied with a certified copy of the will and issue Letters Probate, but too often Notaries still have to argue on this subject.

The Notary makes all kinds of deeds and transactions, but certain deeds must be executed before him "en minute", such as:—

Marriage contracts; inventories when required by law; renunciation of an estate or succession, or of community of property between husband and wife; protests of bills of exchange, promissory notes or cheques; donations "inter

vivos" except of moveables accompanied by immediate delivery; deeds creating a mortgage or hypothec, including "Trust Deeds" (there are a few counties in the Province, however, where hypothecs may be created by deeds under private signature); family council proceedings, which however must be made "en brevet".

He also draws up practically all deeds concerning real estate or immoveable property and therefore his jurisdiction is very wide. As a consequence of his dealings with his clients, he becomes the confidential adviser in family affairs; he is entrusted with the winding up and management of estates; makes reports on titles; secures charters for joint stock companies; receives oaths and statutory declarations; acts as legal adviser for his clients; negotiates loans and acts as agent for the sale of real estate.

And because the Notary, in the performance of his duties, very often acts as an intermediary in financial transactions between his clients, as he also often administers funds for third parties, the Notarial Code stipulates expressly that he must keep a regular account of all sums of money received or collected by him for others in his capacity as Notary, and the Board of Notaries, in accordance with the powers delegated to it by the Code, has enacted a by-law ordaining the compulsory use, by all Notaries, in connection with deposits and moneys which are entrusted to them as such, of a special and uniform system of book-keeping, on forms prepared and supplied by the Board exclusively, and the use of separate and special bank accounts in trust.

This brings me to the subject of inspection of records.

The Board of Notaries, as often as it deems advisable, may of its own accord, order the inspection of one, several or all notarial records and provide for the appointment of the number of inspectors required for such purpose, and when the Board is not in session, its President has all the powers vested in the Board for this purpose. Moreover, the inspection must be ordered, if a sworn complaint be lodged with the Syndic, alleging that a Notary does not observe the procedures and take the precautions already mentioned concerning the execution and safe-keeping of his deeds, or does not appear to keep regular accounts in accordance with the law or the by-laws of the Board of Notaries.

This inspection covers everything which may constitute an infringement of the provisions of the Notarial Code or the By-laws of the Board. The inspector transmits without delay the reports of his inspections, with any remarks he may deem advisable and the Council of the Board renders the decisions it may deem expedient.

Should a Notary whose records are to be inspected, after having been duly notified, refuse to submit to the inspection either wholly or partially, the Syndic, on receipt of the report of the inspector, gives notice to this Notary that he will apply for his suspension at the following meeting of the Board or of the Council, unless in the interval he submit to the inspection.

The Board of Notaries has wide disciplinary powers over the members of the Order, without appeal to the Courts from any of its decisions, either upon questions of discipline or in connection with the inspection of records. Among disciplinary penalties which may be imposed by the Board or the Council, according to the gravity of the breach of discipline or to the act derogatory to the

honour of the profession, are the fine, the censure, the suspension from the right to practise the Notarial profession, and the removal from the office of Notary.

You may wonder what would happen, should the original of a notarial deed be lost or accidently destroyed, or what becomes of all those deeds that a Notary receives and has in safe-keeping, should he die or for some reason cease to practise his profession.

This is all provided for.

When the original of any notarial instrument has been lost, destroyed or carried away, a copy of an authentic copy thereof makes proof as to the contents of the original deed, provided that such copy be attested by the Notary or other public officer with whom the authentic copy has been deposited by judicial authority, for the purpose of issuing copies thereof. The proceedings to obtain such deposit of an authentic copy are made by petition before the Court or the Judge, after serving the petition upon the interested parties. Upon satisfactory proof, the Court or the Judge orders that the document produced be deposited among the originals of the Notary who executed the missing deed, and every copy of the document thus deposited avails as proof in the same manner as if such document were the original.

The original deeds, repertory and index of any Notary, as well as the records of which he may be assignee may, under the conditions and with the formalities set forth by law, be assigned or transmitted by deed "inter vivos" or in contemplation of death, or by will, to another practising Notary who either resides or is about to reside in the district where the assigning or deceased Notary had his professional domicile.

No such assignment or transmission of records can be effected without the permission of the Lieutenant-Governor of the Province, in Council, and the consent of the Board of Notaries or its Council, and such assignment is valid for fifty years only, after which delay they must be deposited in the Archives of the Superior Court, unless an extension be granted by the same authority.

Except in cases of lawful assignment or transmission of Notarial records as already mentioned, and except where it is permissible for a Notary to retain his records for special reasons mentioned in the Notarial Code, the records of every practising Notary who dies, leaves the Province, or who, for any other cause, ceases to practise or has no longer the right to do so, are deposited in the archives of the Superior Court of the District in which such Notary last practised, and the right to issue copies of or extract from deeds so deposited belongs to the Prothonotary of the Superior Court, and such copies or extracts are authentic.

In conclusion, I may say that the Notary in the Province of Quebec is very much a lawyer, who specializes in non-litigious matters, and who having elected to be such a specialist is denied the privilege of pleading in Court; he much resembles the old-fashioned English family solicitor.

Deeds executed before him carry many advantages:—

The signing of a deed is always a serious matter, and the fact that it has been prepared by a man versed in law, who in most cases has followed the same course of legal studies as his friend the lawyer, and who has acquired special training and experience, is a guarantee that it is carefully drawn up, because the Notary wishing to live up to his good reputation will not be careless in the drawing up thereof.

The Notary having to know the parties to the deed, guarantees their identity, and he having to read the document to them, guarantees that it has been signed with a full knowledge of its contents.

Such a deed and copies or extracts signed by the Notary carry all the advantages of authenticity.

The original is carefully preserved, and even if lost, a copy avails.

This safe-keeping and eventual deposit of the Notarial records render it possible to consult the original deeds which were signed by the pioneers of this country. Family history could be traced through marriage contracts and wills of which the minutes are still preserved, and titles of property in most of the province can thus be traced to the foundation of the country by France, and through the original deeds which are all preserved in the Archives of the Superior Court of the different districts.

When one considers the importance of the responsibilities and of the powers of a Notary, and the services that he renders to society by his legal advice and his experience in writing down with accuracy the intentions of the parties signing deeds before him, one cannot but arrive at the conclusion that there is scarcely any other profession demanding of its members more profound learning and greater integrity.

Miss Watts: I am sure everyone is grateful to Mr. Terrault for his interesting and instructive address on the notarial system, and it is probably a revelation to most of us to know the exacting requirements for the practice of the profession and the great importance of the work.

It is unnecessary to tell the members of this Association of the work of Professor Eldon James, our editor of the Index to Legal Periodicals. However, not everyone is aware that he was born in Kentucky and has an unusual record, having been professor in a number of state universities. But the outstanding feature of his career is the fact that at one time he was Advisor in Foreign Affairs to the Government of Siam and for a time Supreme Judge of the Court of Siam, and he has been decorated by both the Governments of Siam and Japan. He is now Professor in the Law School of Harvard University and is also Librarian, and he will tell us about the Library. (applause).

Professor James: Mr. Chairman, Ladies and Gentlemen: I fear, Madam Chairman, you have been all too flattering in your introduction, which recalls to my mind a remark attributed to Lord Melbourne about merit in connection with the Order of the Garter. He said that was one of the best things about that Order, there was "no damn nonsense about merit in connection with it". (laughter).

I do not know why John Vance asked me to speak to you about the Harvard Law School Library, except perhaps in the spirit of the motto of the old commonwealth, that we must all stand together or we may hang separately. (laughter) He has in print on several occasions said very nice things about the Harvard Law School Library, and I might here remark as a certain lawyer did when asked, "Who is the best lawyer in town?" "I am." "Why, how can you prove it?" "I don't have to, I admit it." (laughter) I do not like to do that, it is rather embarrassing and may give an unfortunate impression. I think it

would be more accurate to put the matter in the form of a story which Dean Pound is very fond of telling. A negro employee asked his boss for a day off, he said he wanted to go to a large picnic, and he simply *had* to go to this picnic. And when the boss asked why it was so important that he should be present, he replied, "Why boss, I'ze the Supreme King of the Lodge, I got to go." "Oh, I didn't know you were the Supreme king. Do you mean to tell me you are the head of the whole thing?" "Oh, Lord, no, boss, I ain't the head; there are seven others ahead of me. I'ze only the Supreme King." (laughter).

I am perfectly confident that most of the libraries here represented are away ahead of the Harvard Law School Library in a great many respects. I will instance one. We do not have any journals in the Harvard Library, we do not have debates of legislative assemblies. I could go through a list of things that we do not have. But I won't. The fact that we do not have any journals or debates is due to an arrangement made some years ago between the Harvard College Library, the Widener Library, and the then Dean of the Harvard Law School, by which we were to take over session laws, constitutional conventions and that sort of thing, and they were to take debates and journals. We kept to our end of it, but they did not do anything with reference to journals, an arrangement regretted, somewhat, I think at the time. Nevertheless, it was made, and we are reconciled to the existing situation somewhat when we look at the magnificent collection of journals in the Massachusetts State Library and think of all the space we are saving by getting them to do what we ought to be doing for ourselves. So we feel fairly reconciled. But it is simply an illustration to make my point, that if we are "the supreme king" there are at least seven others ahead of us.

I have written down a few things that I want to say, that I will now read to you, not that I could not say them without reference to this paper, but if I did not refer to the paper the pleasure of listening to the next paper might be considerably postponed. (laughter).

Professor James read his prepared address.

Professor James: (The Harvard Law School Library).

We have today very close to 450,000 bound and unbound volumes. However, of these certainly not less than 70,000 are duplicates made necessary by the size of the faculty and of our student body. Consequently, the number of non-duplicates is less than 380,000.

I received a letter some years ago from a professor in one of our great universities stating that he had been told that our library was uncatalogued. I had difficulty in convincing him by correspondence that his informant was in error but finally by ocular demonstration succeeded in doing so. The library, with the exception of the usual lag, is completely catalogued and every book we have is available for almost immediate use at any time, if it hasn't been charged out or is not at the bindery.

We occupy two buildings, Austin Hall and Langdell Hall, each of which has adequate reading room and stack staffs. In Austin Hall, there is only a working library of English and American material amounting to about 25,000 volumes, all of which are duplicated in Langdell Hall, where the main library of the Law School is housed and which contains the bulk of our collections.

We collect in every field of legal publications except in those from which we are excluded under the arrangement I mentioned a moment ago made with the Harvard College Library. We are also excluded from collecting the statutes of the Italian cities, though we do collect the medieval city laws of Germany and also the French coutumes and the Spanish fueros. There was no logic in the arrangement which was a purely pragmatic attempt to reduce duplication, for it must be remembered that the Harvard Law School Library is not the law library of Harvard University. That is, it never has been charged with the duty of collecting, preserving, cataloguing and making available for use whatever legal publications may come into the possession of the University. It is merely a departmental library, the library of the Harvard Law School.

So far as we are not limited, however, by the arrangement mentioned, we collect everything of a legal nature no matter from what country it may come or with what system of law it may deal, common law, civil law, canon or Roman law, or the other systems which fall outside this classification. As you can imagine, we are strongest in the Anglo-American field. This was the first side of the Library to be developed and into it Mr. Arnold put almost exclusively the full energy of his first twenty-five years as Librarian. Notable collections have been built up in this field, and preeminent among these are the Dunn collection of English books printed before 1601 and our British Empire collection, but even here there are some conspicuous lacks. We still look with envious eyes upon the first edition of Littleton's Tenures in the Library of Congress.

The Library possessed almost nothing in the field of legislation, even Anglo-American legislation, until after 1892. Dean Langdell held the firm opinion that books of statute law were not law books "properly so-called" and that, therefore, they should not be allowed a place on the shelves of a law library. After the Faculty had voted in 1892 to include legislation in the Library's collections, books of legislation not only from the United States and the British Empire, but from other countries as well were acquired in large numbers.

The non-Anglo-American collections date back only to 1899. During the time that Joseph Story was Dane Professor, in 1835, a large gift of Civil Law books was made by Samuel Livermore of New Orleans. From that time to 1899, practically no non-Anglo-American books were purchased or otherwise acquired. Today we have the continent of Europe, including Russia, pretty well covered and our Latin American collections, while, of course, incomplete, are extensive. We are now rapidly acquiring a first class collection of Japanese books.

Our collections include not merely legislation and reports but important treatises and commentaries, together with a very large number of dissertations and theses. We also have an extensive collection of books and documents relating to international law and a large collection of criminological material, trials, statistics, treatises, and periodicals. We are now taking more than 3000 periodicals from all parts of the world which deal with substantially all legal subjects. In addition, and somewhat outside the field of the usual law library, we have some 5000 prints and photographs of English and American judges and lawyers and 178 painted portraits by Reynolds, Lawrence, Raeburn, Romney, Kneller, Lely, Stuart, Trumbull, Feke, Smibert and others.

I don't want you to think, however, that we are only a collecting organization. Therefore, I want for a few moments, to speak about other sides of our activities of a more strictly administrative nature and then if you will let me, I wish to make some mention of the community of scholars and students we serve. We have in recent years spent much time in rearranging our collections and are not yet finished. Indeed I doubt if we ever shall have finished for a library is a living thing and anything alive must grow and change or death is at its heels. Our rearrangements have gone further in the field of Anglo-American legislation than elsewhere and we now have applied a very simple shelf classification scheme to this material, which promises to be a success. In a way it was well that we waited until our collection was fairly large, for an attempt to classify it before it was fully formed would have compelled us to make many changes in the scheme as new and unusual publications came in. Probably we now have all types of statutory publications and may perhaps proceed without much fear that our plans will be seriously upset. We are also engaged in giving our books definite location numbers and making shelf lists. This will take us probably five years more to complete but progress is being made and those of us now in the Library have hopes of seeing it finished before we pass out of the picture. Nothing that we are now doing or thinking of doing will change, however, the general scheme of shelving we have always followed, or will make it necessary to consult the catalogue before asking for a book.

That some of these things have not been done before may surprise you but your surprise may be lessened somewhat when I tell you of the efforts necessary merely to keep the Library going in the service of our group of scholars and students. In the first place we have a student body of between 1400 and 1500, and in Langdell Hall a reading room 470 feet long, the equivalent of five or six good sized college reading rooms. Quantities of books are demanded by the students each day, not only for class room preparation but for writing briefs and preparing arguments in cases before the numerous law clubs. Also, many papers and reports are written requiring sometimes extensive research. During the first year of the student's residence, individual instruction in the use of law books or instruction in small groups is given by a member of the Library staff in connection with the preparation of briefs and arguments for law club cases. In this way, we get an immediate response from the student based upon a realization of his own pressing needs. He handles in the course of this instruction the various types of law books, the digests, the citators and all of the other devices for finding pertinent cases. The pressure put upon him to make a satisfactory showing in his law club increases his demands for books, more books and still more books. On the open shelves in Langdell Hall, immediately accessible to the student, are 15,000 volumes of reports, digests, and statutes. Inside the desk, which is in the center of the Reading Room, there are 3000 volumes of treatises and periodicals, for which the student has to sign. In addition, whatever is in the stacks is also available to him upon request. The public catalogue is in the reading room, and lists of new accessions and of the latest numbers of periodicals with titles of important articles are there displayed, so that the student has some opportunity to keep up with the weekly accessions to the Library.

We estimate, and I do not think we exaggerate, that in Langdell Hall alone during the law club season which extends from about October 15th to February 15th, interrupted only by the holiday of a week at Christmas, the daily circulation among under graduate students, is from 5000 to 6000 volumes a day from the open shelves, from the desk collection, and from the stacks. I have no doubt that on many days these figures are exceeded. During the academic year 1932-33, a total of nearly 210,000 volumes were delivered from Langdell Hall desk alone, by no means the total circulation of the Library. Widener Library, serving the whole of Harvard College, during the same period, from its circulation desk lent only 237,000. The finding, delivery and replacement of so large a number of volumes is no light task for the staff, as it entails the moving of a good sized law library each working day. Each morning the Reading Room in Langdell Hall is put in order so that when the students' demands begin, all books are in place, and considering the size of the room and the great number of books used the day before, all of which we are not able to replace during the day of their use, this involves some very fast work.

Ordinary under graduate students we do not admit generally to the stacks but if a student can show that he needs to work in the stacks, he is always permitted to do so for a limited period of time. Regularly inside the stacks are the editors of the Harvard Law Review, now more than 30 in number, the contestants in the semi-finals and finals of the Ames Competition, a series of elimination arguments beginning in the second-year and ending in January of the third year, and all candidates for the master's and doctor's degrees in law. All of these number together more than 75. In addition, there are not infrequently candidates for the degree of doctor of philosophy from the Graduate School of Harvard College whose theses require the use of legal material. There are almost always visiting foreign and American scholars and occasionally some member of the faculty of Harvard College. Everyone admitted to the stacks is furnished either with a study room or a stack stall which he occupies as his own as long as he is with us. Books going to stalls or study rooms, although taken from the stacks by the user himself, are checked each day and we have a complete record on cards of the location of all such books.

We are not a public library, a bar library, or a lending library, and while we cannot permit the use of the Library for material which can be found easily accessible elsewhere, no one, whether he is a graduate of the University or not, is ever denied the use of books which are not commonly to be found in the bar libraries and public libraries in the neighborhood.

Then, last, but by no means least in their demands upon the staff, is the faculty of more than 30, all of whom have immediate access to the stacks. For their special and exclusive use, there is a faculty library of about 20,000 volumes, consisting of Anglo-American reports, periodicals, digests, citators and statutes, with a small assortment of leading texts. In addition, duplicate copies of the current law school periodicals and a few others are kept for the exclusive use of the Faculty in a special room where also new books are displayed for one week before going into general circulation. Books withdrawn by the Faculty are also checked each day.

I have no doubt that many of you are faced with service problems as acute

as ours, but I sometimes cannot help wondering how we keep this somewhat complicated machine of ours going day by day to the satisfaction of the Faculty and others who depend upon it for their library needs. The answer is of course that we do not at all times. Sometimes there are most annoying mishaps but in the main, we get along. Nothwithstanding occasional vigorous complaints, I am inclined to think we succeed in giving a not inconsiderable degree of satisfaction. Full credit for this accomplishment must go to the staff of the Library now numbering 45 in all branches which displays a high degree of patience, diligence and cooperative enthusiasm.

An additional burden upon the Library in recent years is the increasing development of its outside reference service. Hardly a day passes, certainly never a week, without some application from the outside for information and assistance. Sometimes a bookseller wants bibliographical information or a photostat. Members of the bar, sometimes graduates of the School and sometimes not, want assistance of one sort or another. Inquiries and requests from other libraries are frequent. We are very happy to do what we can but the burden of such reference work is becoming quite heavy, particularly as we have no regular reference librarian. With few exceptions, however, all inquiries up to the present have been replied to the day the inquiry is received. But we are not equipped for extensive research and so cannot take care of inquiries which demand considerable time for investigation. In addition, we lend a great many books to other libraries, which, as you know, consumes a great deal of time.

No enduring institution is ever the work of one man. The Harvard Law School Library is the result of the efforts of many, some in conspicuous and others in inconspicuous positions. To the formation of the library as it is, the latter have contributed much and it is to the loyal services of all of them that whatever success the Library has achieved is largely due. However, to John Himes Arnold, for 40 years Librarian of the Harvard Law School, more than to any other single person, the credit for the development of the Library must go. Those of us who have followed him have largely only filled out the plan which he made and which the shortness of human life and the inevitable limitations upon annual income prevented him from completing himself. What Arnold did, however, was possible only because he had the constant support and encouragement of Dean Langdell and Dean Ames, whose conception of what the Library should be, Arnold worked out into partial accomplishment. Equally true is it today that it is the vision that Dean Pound has of the Library's possibilities for the promotion of legal scholarship and his unfailing support that have made it possible to carry on Arnold's work. If it be true, as some say, that the Harvard Law School Library is a great law library, this can be only because it has had for generations the devotion of great scholars whose ideals have inspired those who have had to watch over its development.

Professor James' paper met with sustained applause.

Miss Watts: I am afraid we will have to disagree with Professor James in the rating he assigned himself, because we have all greatly appreciated his most illuminating address on the Harvard Law School Library.

When the program for this annual meeting was arranged originally, the next paper was entitled, "The French Canadian Legal System" and was to be

given by Mr. Warwick Chipman, K.C. and on tomorrow's program we planned to hear Walter Johnson, K.C. on "The Sources of Quebec Law". Because of the apparent conflict in topics, Mr. Chipman has withdrawn in favor of Mr. Johnson. You probably all know that Mr. Johnson is the author of a number of legal and historical books. His book on "Conflict of Laws", Volume 1, was published in 1933, and a recent volume is in preparation, a translation from the French. This is the translation of a rare book and will be published under the English title, "Administration of Justice in Mediaeval France". I have pleasure in introducing Mr. Walter S. Johnson, K.C., who will talk to us about the "Sources of Quebec Law".

Mr. Walter S. Johnson, K.C. read his prepared address, which was received with applause.

Mr. Johnson: (The Origins of the Law of the Province of Quebec): You are at once very kind to me and very zealous in your interest to invite an address upon the origins of the law of this province. That history runs clearly and vividly backward through two thousand years. In the brief half-hour assigned to me, I cannot do more than take you to a mountain top and tempt you with a vision of this great river of time and of its tributaries.

But as we go up into the mountain, let me give you a prevision of what you shall see.

We shall see the slow and painful evolution of a great national law system, a coalescing of the Roman law of Italy with the barbaric law of the Germanic tribes which swept the Roman legions out of France; the development of Customary law, of feudal law, of Canon law, and their influence upon the main stream of tendency; the introduction of French law into Canada in 1663, soon after the foundation of the City of Quebec; the conquest of Canada by the English in 1759-60, and the influence of English law; the struggle of the French population to retain its old French law.

Lavisse, the historian of France, has said somewhere, that the study of law without a knowledge of its historical development and unfolding, is merely a sort of scholasticism. The text is open to everyone: it is the dry skeleton of the law; the spirit is elusive, and is the more readily revealed to him who has with sympathy and discernment viewed the slow upward march of humanity toward a more perfect civilization.

For codes of law are not mere statutes. They are the fruit of slow organic processes, of fusions, accretions, assimilations, eliminations, survivals, reflecting the social institutions which they serve; stimulated into being by social and economic phenomena which in turn are affected by geographical location, the nature of the soil, the intensity of the struggle for subsistence, the composition of the family, the distribution of wealth, and the organization of property.

So that the history of law enables us to estimate the progress of civilization, since it mirrors for us the visions men of past ages had of an ideal of liberty, opportunity, equality and happiness.

Let me begin with the Roman law. Its shadow first cuts into our history with Caesar's conquest of Gaul, which includes what is now France—from the Pyrenees to the Rhine. The Gauls were Celts, driven into France probably 350

years or more before Caesar conquered them. Historically, they were the original core of the modern French race. As Caesar found them, they practised agriculture and had a money system. They had fortified towns and engaged in some industrial pursuits. They had developed a considerable shipping trade about the Mediterranean. Warlike, they did not make war their main business. They were generous, sociable, frank and candid in their ways, dashing and enthusiastic in attack when high deeds were to be done; somewhat easily discouraged when attack failed and victory could only be won by prolonged fighting; fond of argument, yet ready for compromise and peaceable settlement of disputes.

Caesar is careful to distinguish the Gauls from the rude and savage Germanic tribes of the far north—a distinction which we may observe this early, for it explains characteristics equally true when we meet them again several hundred years later as the invaders of Roman Gaul. They were hunters, nomads, lovers of the chase and of battle, without towns or commerce or any civilizing social usages.

But where among the Gauls the government was aristocratic and the common people had no voice, among the Germanic tribes every freeman capable of bearing arms had a voice in public affairs. The Gaul, were he put upon trial, was dealt with by a priest-made law—the Druid law. The German could invoke the law of his own tribe wherever he might be.

What happened to the Gauls upon their conquest is of great significance. The process of assimilation was rapid and complete. The people became quickly and thoroughly saturated with Roman ideas, customs and civilization. Within three generations, Gaul was Roman in her laws and language, and in sentiment and manner. No attempt was made to exterminate them, or to disrupt their clan or racial divisions and distinctions. Nor did the Romans pour in and settle the country. The Gauls accepted with open hearts the Roman civilization, and loved their conquerors. And Rome gave the country profound peace and protection.

The astonishing thing is that, complete as was the spiritual conquest of the Gauls who had for ages been rooted in the soil of France, it is still the Gallic character and genius that are dominant in the French race of today.

In a very short time, the Roman law was understood and enforced throughout Gaul, from the Pyrenees to the Rhine. It absorbed the old Celtic law, by which it was not modified. It did not take on in Gaul a particular form or become a dialect of the general law. The conquerors set up schools of law almost at once, and these flourished in many towns, at Arles, Trèves, Autun, Narbonne, Marseille. These schools young Gallo-Romans eagerly frequented, and from them they went out to teach, and even to Rome further to learn, a legal system so profoundly suited to the Gallic mind and temperament.

Another influence emerges. The Christian Church in Gaul had so great an effect upon the development of the law and upon the formation and evolution of the Frankish monarchy, that unless we grasp this fact, much will escape us that is significant and enlightening. For apart from the Roman occupation, the influence of Christianity down the ages is the outstanding fact in the history of European civilization. The Roman law and the classical tradition, had it not been for the Church, would conceivably not have survived the Dark Ages.

At the fall of the Western Empire, Christianity had so far permeated Gaul that it had contributed in its way as much as had the more positive Romanizing influence, to the transformation of the country and its people. With Roman Imperialism gone, the long night of many centuries descended upon Europe. The sudden disappearance of the Roman power, the overwhelming Germanic invasion, struck terror into men's souls. In the darkness, but one light appeared, that of the Church, toward which all men of learning, of natural piety, of high ideals, yearned and laboured, as toward the only haven where order, discipline, solace, guidance, could be found in a world all gone awry. The infant Church was the one vigorous, imperious and wholesome institution that survived the wreck of the Roman despotism which had proved decrepit and corrupt.

I stress the subject for another reason. Christianity had an existence absolutely distinct from and independent of nationalities or political systems. Until the year 313, when Constantine decreed its complete freedom, it had been savagely persecuted. Its constitution and discipline had been developed in the catacombs and in the secret byways. Its adherents refused to submit their differences to the pagan judges, and submitted these rather to their clergy. Once the Church was officially recognized, it sought to extend as a matter of right the privilege of hearing and deciding the disputes of its people. And as this privilege was extended and sanctioned by the early Christian Kings, the Canon law took form. In time, the Roman civil law became part of the Canon law. The Church adopted it. The bishops monopolized legal science; so that from the fifth century almost every great jurisconsult in Gaul was a bishop.

The dissolution of the Western Roman Empire at the end of the fourth century meant the abandonment of Gaul and of its Roman civilization to the Germanic conquerors. A new era opens. A great revolution changes the face of the world. We enter a new age—the Dark Age of history. The Germanic tribes swept into Gaul. By the end of the fifth century the Roman control was but a memory. The country was divided among the Franks, the Burgundians and the Visigoths. The Barbarians did not either desire or try to obliterate Roman civilization, once they came into possession. As the Gallo-Romans had done before them, they admired it, imitated it in some degree, were willing to draw upon its experience and accomplishments, and were satisfied that it should persist if it could.

What was the effect upon the Roman law? I can only briefly indicate it. I have already said that the Germanic tribes by long custom had recognized the rule of personality—that a man was entitled to be tried by the law of his particular tribe. When they came into France they very consistently permitted Gallo-Romans to make their contracts and decide their disputes according to their own law. Moreover, the Barbarian quickly recognized the value of the greater certainty inherent in the Roman written contract and in the reasoning of Roman law.

But the existence for several centuries of numerous personal laws, side by side, led to the hardening of the unwritten rules into as many separate bodies or systems of law—a whole body of law applicable to a given racial group became a *Custom, a* system—handed down by memory. Assimilation and uniformity were delayed. Yet there was a certain blending. A Germanic Custom absorbed

some principle of Roman law, but remained mainly Germanic. A Roman Custom absorbed some principle of Germanic law, but remained mainly Roman. The Church, whose appeal was to men of every race, was interested to extend the application of the Roman law. The whole process may be summarized by saying that in Northern France, furthest away from Rome, the population yielded most to the barbarian peoples and customs which had engulfed it, and the law was largely Germanic, with some very slight admixture of Roman law. In Southern France, just the reverse. But the Roman law had become profoundly degraded and unscientific, and the barbaric law was that in any case.

Even their conversion to Christianity did not influence the Franks, for example, to give up their traditional resort to the duel, and the proof by fire and by boiling water, to establish the innocence of an accused. Such was the general degradation that the Gallo-Romans frequently adopted the practice; and the Church, while discountenancing the duel, found nothing incongruous in the ordeals by fire and boiling water.

Centuries drifted slowly by, and new forces and influences were maturing in the ceaseless movement of human events. Feudalism gradually emerges as the controlling force in the evolution of society.

Feudalism was made possible by a gradual breaking down of the centralizing kingly power, and the dismemberment both of the land and of the authority which controlled it and the people upon it. The process was an infinitely slow one. By the beginning of the tenth century, feudalism, as a form of social and political organization, was definitely established. It held uncontested sway, to the eclipse of the monarchy, until the beginning of the fourteenth century, when the kingly power again began to assert itself. With Francis I, in the first half of the sixteenth century, feudalism as a form of political organization came to an end, and the sovereignty of the seigneurs ceased. In the domain of private law, however, it was not until the French Revolution and the promulgation of the Napoleonic Code, that the feudal law at last disappeared in France.

Let me indicate briefly what the feudal system meant to the development of the law.

After Charlemagne's death in 814, his vast empire quickly fell apart. The dukes, counts and other great landowners who had struggled against Charlemagne for the maintenance of their independence, now asserted that independence without molestation from his weak and warring successors. These great landowners became so strong and militant that the King became a mere figurehead. They ignored his legislation. They set up courts of their own, wherein was administered the Custom—the body of unwritten law—peculiar to the territory of the overlord. The overlord, the great feudal landowner, was a king in his own territory or seigneury. In time, there were over 250 of these separate and distinct Customs or systems of local law in France.

With the growth of these individual Customs the old theory of the personality of laws disappeared. The law became territorial. The law of the feudal unit was applied to all persons within it, without regard to their racial origin. As feudal society became stabilized, the customary law within each great territorial feudal unit took definite form, drawing into itself principles of Roman law and Canon law, fragments from the Capitularies of Charlemagne, a good deal

from the laws of the Barbarians, much purely local custom, and not least the formal rules and regulations imposed by the feudal overlord. The whole was moulded by the peculiar needs of a society organized on a feudal basis.

Nor did the process of reducing the Customs to writing begin until the middle of the fifteenth century.

In the north, which included Paris and territory far to the south, the Germanic peoples, their laws, their customs and their language, had dominated since the invasions. The Roman law, invoked by the Gallo-Romans as their personal law, centuries before, subsisted precariously enough through the centuries while the Barbarians were establishing themselves in France, became corrupted under the impact of the Barbaric codes and usages, and had so far been forgotten by the tenth and eleventh centuries as to have had little influence in shaping the content of the Customs—in fact it had practically disappeared for the time being. In the thirteenth and fourteenth centuries, however, there was a remarkable renaissance of interest in the Roman law; and of all the Customs of the north of France, the Custom of Paris possibly most felt the influence.

Moreover, of all the Customs that of Paris became the most developed. Paris was the seat of the monarchy, the queen city, astride the Seine, to which all roads, travellers, and merchants found their way. Here society was most highly organized. Trade and shipping and a complex society, the presence of universities and schools of law and learned professors, all wrought to render the body of feudal private law known as the Coûtume de Paris, a highly sensitive and effective medium.

I think we can characterize it as essentially Germanic in content, mingled with rules drawn from the Roman and the Canon law, and much local usage. It was always the law of a feudal society. It was the private law of Paris and its environs down to the Napoleonic Code of 1803.

The significance to our subjject of all this ancient history is, that in 1663 the Custom of Paris was declared by the King of France to be the law of Quebec, together with various Edicts and Ordinances of the King then in force within the jurisdiction of Paris. Quebec was regarded and governed very much as though it were a Province of France. Whether Ordinances later than 1663 had the force of law in Quebec, has been a much discussed question. I will not discuss it here.

Prior to the Conquest of 1759-60, our law was wholly French—the Custom of Paris, and the Ordinances in force within the jurisdiction of Paris prior to 1663, unless the latter were clearly not intended to have effect outside France; judgments of the King's Council, and certain Royal Ordinances between 1663 and the Conquest; Ordinances of the administrative authorities of Quebec, especially those of the Intendants; and the judgments of the courts of the colony. The old French commentators on the Custom of Paris and on the Customary law in general, were of course greatly relied upon.

What was the effect of the Conquest?

The mere fact of conquest did not carry with it any change as to the main body of the civil law. This was a matter of strict principle in English law, then as later—that a country brought under allegiance to the British Crown did not *ipso facto* lose its law as to property and civil rights. On the contrary, the

private law of the conquered country continued in force until it was definitely altered by the conqueror. But the public law of England was by the fact of the Conquest substituted for that of France.

Three years after the Conquest, an attempt was made to supplant the French by English law. Whether the English law was actually introduced in a legal and binding way, has been greatly controverted. In any event, the French population of some 70,000 people fought long and tenaciously for the retention of their old familiar system of law. They were profoundly right in their demands, for the introduction of English law could have favoured a mere handful of English people, perhaps not more than six hundred altogether.

The matter was set at rest by the Quebec Act of 1774, which declared that the old French law should remain in force. And it remained in force, except as changed or added to by local legislation, until the promulgation of our Civil Code in 1866. And justly so. For I said a moment ago that Quebec was governed under the French regime much as though it were a Province of old France. Society here was organized strictly on a feudal basis. The Custom of Paris, a growth of feudalism, was exactly suited to the social conditions here. It was part of the race memory, the race inheritance; it fitted the daily needs and the temperament of the people.

Curiously enough, the feudal system existed here in Quebec for many years after it disappeared in France. The French Revolution swept away the old feudal system of France as something no longer to be tolerated. The Code Napoleon of 1803 completed the process, by eliminating old and archaic laws unsuited to the new age which had dawned. In that Code a great deal of Roman law was adopted, and the whole system made scientific and logical, more suited to a modern age. Yet it has been said that even the Code Napoleon remains a Germanic rather than a Roman document.

The feudal system was finally abolished in Quebec in 1854. The commerce and the financial interests and the wealth of the country had greatly increased. Our old feudal system of law contained in the Custom of Paris competed with continual new legislation based now on a rule of the Code Napoleon, now on a rule of English law. The growth of international business had produced a considerable jurisprudence in which English precedents were invoked, notwithstanding the Custom of Paris. In the forties our municipal law was formulated on American models. There was no science, no coherence, about such a confused and confusing mingling of systems. Even the Custom of Paris, with its feudal law, had become, in matters purely of civil law, something of an anachronism once the feudal system was abolished here. Naturally, also, the great body of the law was in French, in musty old volumes which had not been reprinted for a century or two; and the growing English population chafed under this difficulty, particularly as the commerce of the country had been largely in its hands.

In 1859 commissioners were appointed to draft a code of laws. Their completed work came into force in 1866.

In a general way, their task was to retain what was necessary and useful of the old French civil law of property and civil rights, as modified by statute, and in great detail to codify it—i.e., to analyze it into coherent sequent titles, chapters and sections; to codify in a somewhat broader way the commercial law of the

province which had been drawn from both English and French sources; to be guided to some extent by the masterly drafting of the Code Napoleon which had been in force for nearly 60 years; and to take into account at the same time the tremendous strides of social life, commerce and industry both here and abroad, so that the Code while suited on the one hand to a population not long emerged from a state of feudalism, would yet equip it to compete in a world replete with change and movement.

The greater part of the Code is based upon French law, either as found in the Custom of Paris or the Code Napoleon—the law relating to persons: the enjoyment of civil rights, acts of civil status, domicile, absentees, marriage, parental authority, majority and curatorships; the law relating to property: ownership, usufruct, successions, gifts, *inter vivos* and by will, obligations and marriage covenants.

The commercial law, on the other hand, is derived mainly from English law: bills of exchange, merchant shipping, affreightment, insurance and common carriers.

Certain subjects, while founded on French law, have been greatly influenced by English commercial practice—partnership, mandate, loans, suretyship and sales.

Outside of the Code, we have our municipal law, largely modelled on American practice, because your municipal system, developed under conditions so similar to our own in Canada, was readily adaptable. Our company law and our law of banking and bankruptcy are frankly English.

But I must not weary you with these or more details. The reel of my moving picture is dimming out. And even lawyers in their unguarded moments devoutly wish there were fewer laws.

Miss Watts: I am sure I am voicing the opinion of every person when I say that we are most grateful to Mr. Johnson for this most interesting and instructive paper on the problems of Quebec Law.

The last paper on the programme is on the subject, "Possibilities of American Legal History", by Mr. Francis S. Philbrick of the University of Pennsylvania Law School. I have a telegram which has just arrived from Professor Philbrick that the train which was due at eight-forty this morning is three hours late, and he is very sorry he cannot keep his appointment with us. I think, out of courtesy to Professor Philbrick, who is making this long trip solely to give us this address, we should now adjourn this meeting, to recess until 2.30, if that is possible. Does that meet with the approval of members of both Associations? Do I hear such a motion, or if that is not agreeable, what time would you propose instead, in order that we may be given an opportunity to hear Professor Philbrick's paper?

President Vance: I move that the meeting be recessed until two-thirty o'clock this afternoon.

The motion is seconded and duly carried.

Miss Watts: The Chairman suggests that we have a rising vote of thanks to the speakers who have been so gracious and kind in giving us such an interesting morning.

The meeting rose and carried the vote with applause.

Miss Watts: Before you go may I make an announcement? On behalf of Mrs. Mills may I say that many people who have indicated that they intend to come to the banquet have not yet purchased their tickets. You cannot come to this banquet without your ticket, because the hotel does not allow you to purchase them at the door. We would also like those who have not signed the register to do so.

The meeting adjourned at twelve o'clock.

THURSDAY AFTERNOON SESSION

JUNE 28, 1934

The meeting reconvened at two-thirty o'clock, Miss Irma Watts, presiding.

Miss Watts: The time of the recess having elapsed and Professor Philbrick having arrived after an undue delay on the railroad, we will continue with the program. At the morning session we heard about the development of the law of the Province of Quebec and particularly the history thereof. In Chicago last year a new organization was formed called the American Legal History Society, and Professor Philbrick was one of the prime movers in the initiation of that Society. Professor Philbrick has had a versatile record. At one time he was a co-editor of the Encyclopaedia Britannica. He has written a number of legal books and contributed to legal periodicals. At the present time he is a professor of law at the University of Pennsylvania and Secretary-Treasurer of the American Legal History Society, about which he will now tell us.

Professor Francis S. Philbrick: University of Pennsylvania Law School: Madam President, Ladies and Gentlemen: Before reading the paper, I wish to apologize for its length. It has been completed only because I sat up late into the night, and I have not had time to do that for which time is essential—reduce it. The topic is "Possibilities of American Legal History".

Professor Philbrick read his prepared address,[1] which was received with applause.

FRIDAY AFTERNOON SESSION

JUNE 29, 1934

The meeting was called to order at two-forty-five o'clock, Mr. Franklin O. Poole, of the Association of the Bar Library, New York, presiding.

Mr. Poole: We are very greatly favored today by the presence with us of the Senior Crown Prosecutor here in Montreal. It is my privilege to introduce him to you, Monsieur Ernest Bertrand, K.C., who will tell us about the Administration of Criminal Justice in Canada.

[1] Professor Philbrick's address will be published in the October number of the *Law Library Journal.* (Editor's note)

M. Bertrand read his prepared address, which was received with applause.

Mr. Bertrand: (Administration of Criminal Justice in Canada): I am indeed very thankful to your Association for the honour bestowed upon me today being called upon to deliver a paper to you on the Administration of Criminal Justice in Canada.

I might say that comparatively speaking, we are proud of the administration of justice in Canada. I do not think that you could find a better locus to study the administration of Canadian Criminal Justice than within the district of Montreal. This city, being the largest in Canada, situated near the boundaries, between our respective countries, is badly touched by racketeers and criminals of all kinds and yet justice has been meted out to them in such a way that our statistics could be compared advantageously with any other districts of the same importance either in Canada, the United States or elsewhere.

It is not my intention to give you a lecture on the details of the administration of justice, but I think I should give you a brief resume of the characteristics of the Canadian Criminal Law.

The origin of our Criminal Law is, as you all know, the same as yours: The Common Law of England. Since the cession of New France to England, in 1763, the Common Law in criminal matters has been applied to this country.

Our Criminal Code is the reproduction of the code compiled by English Royal Commissioners appointed to codify the English Common Law in criminal matters. These Commissioners, in their work, had followed Stephen's Digest of the Criminal Law of England.

This proposed Code was rejected by the House of Commons of England. A Canadian statesman, Sir John Thompson brought this measure before the Canadian Parliament in 1892. The proposed Code for England was carefully revised by legal experts from amongst the members of the joint committee of the Senate and the House of Commons and was carefully discussed by both Houses and finally adopted. However, the Criminal Code does not abrogate the Common Law. Section 16 of our Criminal Code says that all rules and principles of the Common Law, which render any circumstances a justification or excuse for any act, or a defense to any charge, shall remain in force and be applicable to any defense to a charge under this act, *except in so far as they are thereby altered or are inconsistent therewith.*

It is not often that we have to refer to Common Law, but not later than the 15th of this month, I made a case against one Pilon for verbal blasphemy. The accused had made a lecture to an audience of supposed communists and had said the most terrible things against the popes, accusing them all of being thieves, murderers, living of the avails of prostitution and other similar crimes. The accused chose to be judged by an English speaking jury, although he was French; he thought he could get a ready acquittal with a protestant jury. As Crown Prosecutor, I could have asked for a mixed jury, that is: half French and half English, but I relied on the English jury, which happened to be composed of 10 English speaking jurors, one Hebrew and one French. I asked that the accused be convicted for the reason that he had not observed the decencies of controversy and that his language was so scurrilous and offensive that it had passed the limits of decent controversy and that it was calculated to outrage the

feelings of sympathizers with christianity, and more especially those of the catholic faith. The accused was found guilty. These are all principles of the Common Law of England, as the offence of blasphemous libel is not defined in our Code, and the question of what is or is not a blasphemous libel is a question of fact.

One of the great difficulties in the administration of Criminal Justice in Canada lies in the Constitution of Canada itself. The British North America Act 1867 contains two sections—91-92 which divide the respective powers of the Federal and the Provincial Governments. Those sections of our Constitution have been made a most generous Santa Claus to the members of the Canadian Bar for the last 67 years, and divide the powers of the Canadian Parliament and of the Provincial Legislatures in connection with Criminal Justice, as follows:

The Criminal Law, including the Procedure in Criminal matters. The establishment, maintenance and management of Penitentiaries are within the power of the Canadian Parliament, while the administration of the Criminal Law in the Province, including the constitution, maintenance and organization of Provincial Courts, both of civil and criminal jurisdiction, the imposition of punishment by fine, penalty or imprisonment for enforcing any law of the province, made in relation to any matter coming within any of the Classes of Subjects enumerated in this section (92) are within the power of Provincial Legislatures.

I readily admit that there lie in these divisions of power, innumerable legal difficulties which could have hampered the administration of Criminal Justice to a point of defeating the end of justice itself, if it had not been for the high sense of duty shown by the Canadian Judiciary in applying the law to specific cases.

One realizes the rigidity of such a system. It has proven to be very slow in adapting itself to new problems.

The question of what is or should be an indictable offence, that is felonious—or at least grave offence—has to be a subject of legislation for the Federal Government.

The provinces have however the power to create offences and inflict heavy fines and, in default, imprisonment in respect of subjects within their legislative power, such offences being adjudicated upon by magistrates in virtue of the summary conviction acts, that is before tribunals termed "inferior" by our Code of Civil Procedure and commonly called so by barristers.

The greatest plague in criminology today, I consider, to be the fraudulent practices in trade and commerce. It is very inadequately met by our Criminal Code and it is going to be very difficult to remedy, because the rules of evidence for such offences do not throw a sufficient portion of the burden of proof on the shoulders of the accused. Attempts to have the law amended in this respect have been made by the Committee on the Administration of Criminal Justice of the Canadian Bar Association, but so far without any success.

Amendments were objected to, mostly on the ground that requirements, which are necessary in the metropolis of Montreal, would be too drastic in small cities of New Brunswick or elsewhere. The population of Montreal is twice the population of the whole province of New Brunswick, but the Criminal Code has to be the same for all Canada.

I have often met American confreres who were inclined to regret that there was not one Criminal Code for all the States of the Union. They might be right in principle, but I wonder whether the State of New York, for example, would readily accept to be limited in its Criminal Legislation by Utah, California or Georgia, and whether legal requirements, absolutely necessary in New York or Chicago, should be turned down by local legislators on the pretext that it is not needed in the State of Wyoming.

A noted difference between Canada and the United States in the administration of Criminal Law, is that the Federal Government has no court of its own. The common plea court is called by the Criminal Code: Superior Court of Criminal Jurisdiction, (sub. sec. 2, sec. 38 Cr. C.) This Superior Court of Criminal Jurisdiction is not the same for all the provinces. "In Ontario, the Superior Court is the Supreme Court of Ontario. In the province of Quebec, the Court of King's Bench, etc. ....."

The Constitution of these Courts, including the officers and staff is provincial. The jury, including its qualification, is within provincial competence, but the presiding judge is nominated by the federal government to hold office during good behavior, so that you have Provincial Courts presided by federal judges. The Superior Court Judges are removable only for serious misconduct on an address by the Governor General before the Senate and the House of Commons. This, together with the fact that the Judges are paid by the federal government and that their salaries, pensions, etc., are fixed by the Parliament of Canada, makes for security of tenure which the Judges do not possess under any elective system.

The Superior Court has exclusive jurisdiction in matters of treason, murder, manslaughter, rape, corruption of public officers, piracy and a few others. In other cases, the accused may elect for a speedy trial before a single judge. In practice, the accused do elect in almost every case where the option is permissible, because they certainly do fear the jury. The option for speedy trial may be nullified, however, by the Attorney General of a province in virtue of section 825 Cr. C., for any offence punishable with imprisonment for more than five years.

The Attorney General may require that the charge be tried before a jury, notwithstanding the option already made. This right of the Attorney General, which is known as the right to lay a *preferred indictment*, has been used extensively by the Crown in Montreal. It might be astonishing to hear that the prosecution would insist to keep the accused before a jury when trial may be had before a judge; but, our faith in the jury is such that we use it in almost every important case.

The speedy trial of indictable offences before a single judge shows the interlocking of federal and provincial jurisdiction in criminal matters.

The law is within federal jurisdiction—the judge of the sessions or the district magistrate is nominated during good behavior by the Provincial Legislature, and the Court is also of provincial constitution;—the penitentiary, if the accused is condemned to two years or more, is federal. The common gaol, if the accused is sentenced to less than two years, is provincial.

If a ticket of leave is given to a prisoner, it is so given by the Governor General through the Secretary of State, whether the prisoner is confined in a federal penitentiary or a provincial gaol.

In other words, a person may be indicted for an offence created by federal law, adjudicated upon by a federal judge with a provincial jury, or by a provincial judge alone before a provincial court and sentenced either to a provincial gaol or a federal penitentiary, and then pardoned by the Governor General, who is an imperial officer.

When one keeps in mind the fact that we have in Canada a party system of responsible government, and that while one party may be in power in the federal government, another party may be in power in the provincial legislature, one is surprised that criminal justice could be administered so efficiently. The precept of sec. 976 of the Criminal Code to the effect that:

> "The courts of the several provinces and the judges
> "of the said courts respectively shall be auxiliary
> "to one another for the purposes of this Act."

has been adhered to carefully by the judiciary. This proves that a system cannot be an objection in itself, when men, who are charged with the administration of the system, set their mind on high ideals, looking for the spirit of the law rather than being barred by apparent technicalities. One good point however is that the interlocking of jurisdiction and powers renders the governments dependent on one another for the good Administration of Justice.

All indictable offences are appealable of right on question of law and, with leave of the Court of Appeal (five judges in this province), or upon a certificate of the trial judge that the case is a fit case for appeal, on question of facts or mixed questions of law and fact. The appeal on facts dates from 1923 when, like a thunderstorm out of a clear sky, the appeal of the Crown on questions of law was abolished and the accused was given an appeal on facts. Our Courts of Appeals have been reluctant in quashing convictions on questions of facts and have done so only in extreme cases, but they have ordered new trials for errors in law quite often. In two recent murder cases, the Court of Appeal quashed the verdict and ordered new trials. In the Schwartz case, because the jury had not been warned of the danger to convict on the testimony of an accomplice without corroboration. In the Chapdeleine case, on the admission as evidence of certain confession made by the accused. In both cases, a new trial was had and in both cases the accused were again found guilty. This is not an unusual thing here to see the accused convicted on a second or even a third trial.

The Court of Appeal is presided by judges appointed by the federal government but the Constitution of the Court is provincial.

An appeal lies to the Supreme Court of Canada from the Appeal Courts in every province, on question of law only:

1. When there is a dissenting judge in appeal.
2. When the judgments of two Courts of Appeal conflict with one another.

The Supreme Court of Canada is the highest in this realm, presided by federal judges and constituted by the federal government. There is no appeal in any criminal case from any Court in Canada to His Majesty in Council, that is the Privy Council to which one may appeal in civil cases.

What I have said about the Courts of Criminal Jurisdiction, is in connection with indictable offences, but we have infractions or penal offences which are triable by summary Conviction without preliminary enquiry. The trial judge is a magistrate having jurisdiction of two justices of the peace or in remote district such court is composed of two justices of the peace. Before this Court, provincial penal offences are adjudicated upon.

In certain cases, there is also a right of appeal to a single judge of the Court of Superior Criminal Jurisdiction. In other cases, an appeal lies to the full bench of the appeal Court.

In large cities, we also have recorders who are sitting as judges of the peace; we have coroners and juvenile courts.

Our Criminal Code today stands pretty much the same as in 1892 when it was enacted, although it has been amended almost every year, in order to modify the rules of evidence and procedure and to clarify other provisions.

The greatest change in the procedure was the abolition of the Grand Jury, which was done in this province in 1933. The Grand Jury had lost its importance and had been a pro forma affair for a long time in this province. However, the power given to the Attorney General to bring an indictment for any indictable offences against anybody, even without the formalities of a preliminary enquiry, may prove to be dangerous, if as and when administration of justice falls into irresponsible hands. However, the loss of time and money caused by the procedure before the Grand Jury, was, in my opinion, sufficient to justify this drastic change.

The Narcotic Drug Act, although a statute in itself, not forming part of the Criminal Code, has created offences punishable with very heavy sentences, seven years and lashes.

The trials for those offences, like all other offences, created by special statute, are conducted according to the principles and proceedings of the Criminal Code.

We have in our Code provisions for suspended sentence and probation (1081). In any case punishable by less than two years, the judge may suspend sentence, if there is no previous conviction against the accused. If the crime is punishable by more than two years, or if the accused has already been convicted, but not less than five years before and not for the same or a similar offence, the judge may still suspend sentence with the consent of the Crown Prosecutor. The accused, on suspended sentence, may be put on probation. If the accused does not behave properly, he may be brought back to receive sentence.

In the province of Ontario, special provincial Acts have been passed to give the broadest possible effect to this sec. 1081 of the Criminal Code.

Three acts in particular have been enacted, called: Parole Act, Extramural Employment of Persons under Sentence Act and Probation Act. ch. 362-363-364 O.R.S. 1927.

The reports that we read from the Boards, charged with the administration of the above Acts, tend to show that great things have been accomplished—I believe it. However, some are inclined to believe that it goes too far in what is termed *petting the prisoners.* It is said that the system is defeating the law by taking away the characteristic of Criminal Law, that is: punishment. The Crim-

inal Code being made to repress and punish, should retain its main characteristics. In this province, we have no parole board and we are not asking for any, at least for adults. It is different for juveniles, where some kind of probation is put into effect by the officers of the Court.

Punishments

The enactments of the Code as to punishments are severe and sometimes antiquated. Rape is still punishable by death in our Code, but I cannot tell you when the punishment was applied for the last time. Lash is provided for many crimes, for example: robbery, rape, carnally knowing girl under 14 years, not being his wife, of course; even attempts in this last crime are punishable by whipping.

It is given in extreme cases or to incurable recidivists, at the discretion of the presiding judge. The whipping is administered with the cat-o-nine tails under the supervision of a medical officer. The prisoner, according to the sentence, may be whipped once, twice or thrice and whipping does not take place less than ten days before the expiration of the term of imprisonment. This is to allow the prisoner to be treated if necessary before he leaves jail. The legislators have been gallant enough to create an exception in section 1060. "Whipping shall not be inflicted upon any female". Women are always lucky. The lash as a form of punishment has been of recent times a subject of severe criticism.

In my opinion, a short term with two whippings, one as the prisoner enters jail and one ten days before he leaves, does more to cure him than would a very long sentence. In my experience, we do not often find recidivists that have been whipped. Properly administrated, this kind of punishment does more to redress criminals than tickets of leave, parole and probation and it is very economical to the state.

Capital punishment is not a dead letter in Canada. Nobody fools with human life here without being called to justice. Inevitably, some murderers do escape conviction; the burden of proof after all is on the Crown's shoulders but a murder trial in Canada is a serious business, and would-be murderers have always known this to be so. The accomplice before the fact (and by that we mean one who assists or abets in the commission of any offence) is guilty in the first degree; that is, as a principal, in any crime in which he participates. As an example of this, a few years ago, an armed hold-up was committed, in which six persons participated, one of whom had shot and killed the bank clerk. Under our law, all of the participants in the said hold-up were guilty of the offence of murder as principals, and all six of the said accused were accordingly found guilty of murder and sentenced to death. Four of them paid the extreme penalty, the remaining two having had their sentence commuted to life imprisonment. Two others got life sentence for manslaughter and one is now being extradited, having been arrested following ten years search. He will stand his trial just as if the crime had been perpetrated yesterday and full justice is going to be rendered to the accused and to society.

Your humble servant, who does not claim a better record than any other Crown Prosecutor, has prosecuted within the last seven or eight years, 22

murder cases. 11 have been found guilty of murder and sentenced to hang; out of which 8 have paid the death penalty; the sentences of the other three have been commuted to life imprisonment. Seven have been found guilty of manslaughter and four have been acquitted, one of them on a second trial only. So, that only four out of 22 went out free.

We have no public enemy No. 1 here in Canada and if we had one, he would not last long. We have no record of a murderer standing trial after trial and being acquitted. If an accused is lucky enough to escape, he had better not come before his jurors again for a similar offence.

Statistics do speak.

In 1933, we had in the district of Montreal 14,392 Summary Conviction trials, (penal actions).

There were convictions in	13,282 cases
There were dismissals in	671 cases
Were withdrawn on 14,392 cases	147 cases
Pending at the close of year	292 cases
	14,392

For those indictable offences which have been tried

Summary trials—1,119 convictions out of 1,443 cases.

We had 571 speedy trials of indictable offences, any crime but murder, rape, treason, manslaughter and often others.

Convictions	271
Acquittals	172
Pending	127

In the Court of King's Bench—11 acquittals—41 verdicts of guilty and 2 cases pending on the 31st of December, 1933.

The Hon. Judge Wilson, who has been presiding at the terms of the King's Bench for many years in Montreal, has the habit of telling the jurors that "where justice is weak, crime is rampant". In this quotation, lies the spirit of the public opinion in Canada.

On the whole, we are proud of our administration of Criminal Justice in Canada.

I would not, Ladies and Gentlemen, leave you under the impression that there is no room for improvements. Our Code should be redrafted; it is bulky and badly divided.

A number of sections concerning offences of similar characters should be merged. Amendments should be brought in to clarify the admissibility of confessions, also to legalize certain jurisprudence which could be termed *Court Legislation.*

The question of corroboration of the testimony of accomplices is the *worst court legislation* that we have to face.

We are too much inclined to decide our cases by English instead of Canadian jurisprudence.

Our judges are terribly underpaid to such an extent that first class lawyers have to refuse the very great honour of accepting judgeship. Perjury is too often left unpunished.

The repression of crime is a great problem which should leave no responsible citizen indifferent. Journalists in particular should report the criminal cases in such a way that culprits should not be looked upon as great heroes so smart and powerful that no police force is a match for them.

No institution in any realm reflects the standard of public opinion more accurately than the Criminal Courts.

Ladies and Gentlemen, it is a great pleasure for us to see that a society like yours would be interested in the problem of criminology. Our respective countries have such a long boundary line in common and it is so easy to pass from one to the other, that all of your members should employ their influence to help the authorities of United States and Canada to work together in the repression of crimes. Of course, you are aware that culprits of this country do run away to yours in order to avoid our police forces and that *reciprocity exists in this matter.* Relations between our countries have been very good in connection with the deportation of criminals from one country to another. But, there is always room for closer cooperation.

Thank you, Mr. Chairman, thank you, Ladies and Gentlemen.

Mr. Poole: You have heard a very remarkable record. Monsieur Bertrand stated that the Dominion Criminal or Penal Code was not what it should be. With that record in our minds, I think we must have a rather high idea of the prosecuting officers. I think we are very greatly favored by the gentleman's presence here to-day, and I suggest that we should record our appreciation.

President Vance: I think we should properly acknowledge our great indebtedness to the Crown Prosecutor, for he is not only the Crown Prosecutor but he has a very large civil practice also and he has been most kind in coming to address us on what we think is the most vital question in our country to-day, the administration of Criminal Justice. I move that we extend to him a vote of very hearty thanks.

Mr. Poole: You have heard the resolution.

The motion is seconded and carried unanimously.

M. Bertrand: I thank you very much.

Mr. Poole: Shall we now proceed?

President Vance: I move that we recess for five minutes and then go into a business meeting.

The meeting recessed.

The meeting reconvened, President Vance presiding.

President Vance: Fellow members: I believe the final session is a business meeting. We will now go into a business meeting and take up any unfinished business and reports of committees.

Before we take up unfinished business, I would ask Mrs. Mills, the Secretary-Treasurer, to make a statement she has on a matter she wishes to report to the Association.

Mrs. Mills: Last year the Association voted to support the proposals of this joint committee. The work of the Joint Committee on the Proposed Recom-

mended Practice for Reference Data for Periodicals representing the American Library Association,—Periodicals Section, Catalogue Section—and the Special Libraries Association has progressed most satisfactorily during the past year. The American Library Association and the Special Libraries Association have jointly become an Associate Member of the American Standards Association, which is the central coordinating body for standardization work in this country. Until the cooperation of the American Standards Association was secured the Joint Committee found it impossible to gain any response from the publishers.

The aim of the Joint Committee is to arrive at greater uniformity in reference data for periodicals, such as, information about frequency of issue, the place of publication, numbering of pages and volume, title and volume number of surviving periodical when two periodicals are merged, etc. Such uniformity is of great importance to librarians as well as to readers of periodicals, especially research workers, with a view to clear order records, systematic indexing, cataloging, referencing and binding.

This is fully as much in the interest of publishers as in the interest of librarians and the general public using the library.

Under American Standards Association procedure, a conference committee representative of librarians and publishers has now developed a proposed American Recommended Practice suggesting a number of rules to be followed by publishers. This proposal which was checked against the practices of more than 250 publishers of periodicals is now to be sent out for acceptance to 2000 publishers. The committee hopes that the result of this correspondence will be the adoption of the recommended practices by publishers generally and that its work as a committee [1] will be completed.

The Conference Committee was made up as follows:

Chairman:	F. R. Davis Publicity Department General Electric Company I River Road, Schenectady

ORGANIZATION REPRESENTED	REPRESENTATIVE
Agricultural Publishers	V. F. Hayden, Exec. Secretary Agricultural Publishers Association 5816 North Artesian Ave., Chicago, Ill.
American Council of Learned Societies	H. M. Lydenberg New York Public Library Fifth Avenue and 42nd Street, N.Y.
American Library Association.	Carolyn F. Ulrich New York Public Library Fifth Avenue and 42nd St, N.Y.

[1] The full report of this Committee will be published in the Proceedings of the American Library Association for 1934. See *A.L.A. Bulletin*, Sept. 1934, pp. 645-647. (Editor's note)

Engineering Index	J. E. Hannum, Editor Engineering Index Service 29 West 39th Street, N.Y.
Government Printing Office	William A. Mitchell Superintendent of Planning Government Printing Office Washington, D.C.
Library Journal.	Bertine E. Weston Editor, Library Journal 62 West 45th Street, N.Y.
Special Libraries Assoc.	Marian C. Manley Newark Business Branch Library 34 Commerce Street, Newark, N.J.
Members-at-Large	Fred R. Davis Publicity Department General Electric Company I River Road, Schenectady, N.Y.
	F. W. Faxon Pres., F. W. Faxon Co., 83 Francis Street, Boston, Mass.
	Grace Fuller Yale University Library New Haven, Conn.
	Rollin A. Sawyer New York Public Library Fifth Ave., and 42nd Street, N.Y.
	Norman Shidle Society of Automotive Engineers 29 West 39th Street New York, N.Y.
	H. W. Wilson, Pres, H. W. Wilson Co., 960 University Ave., New York, N.Y.

Mr. Poole: I move that the complete report be published in the Proceedings.

Mr. Daniel: Seconded.

President Vance: It has been moved and seconded that the report on the proposed American practice for reference data for periodicals be published in full in the report of the Proceedings. Pardon me for speaking out of order. but has the paper been published in the American Library Association Proceedings?

Mrs. Mills: It may have been.

President Vance: If it has already been published, I do not see why we need go to the expense of reproducing it again.

Mrs. Mills: I might make sure of that, but Miss Ulrich the Chairman of the Committee, wishes particularly that our Association continue to support the work of this Committee.

President Vance: What would be your wishes in the matter of publishing, if it has already been published?

Miss Parma: There should be a reference in the Law Library Journal to the place where it is published.[1]

Mr. Poole: It is unwise to duplicate printing expense.

President Vance: Will you amend your motion, Mr. Poole?

Mr. Poole: I do. And will the seconder agree?

Mr. Daniel: Yes.

President Vance: It has been moved and seconded that in the event that the report has not already been published, we publish it in the Journal, or a substantial part of it, enough to show that we favor the work of the Committee. All in favor of this motion signify by saying "Aye". All opposed? None.

The motion is carried unanimously.

President Vance: I believe at the Round Table we held on Wednesday evening the resolution was adopted to the effect that at the next meeting of the Association certain action be taken in the matter of the Roalfe Plan. I think that is on the agenda to-day as unfinished business, and I will recognize anyone who wishes to speak.

Miss Newman: As Chairman of the Committee on the Roalfe Expansion Plan, I desire to present to the Association the recommendations adopted at the Round Table on Wednesday evening. The recommendations are as follows:

That the incoming officers of this Association be authorized to proceed to put into effect the Roalfe Plan and to establish a permanent secretariat in Washington, D.C.

Mr. Poole: I move the adoption by the American Association of Law Libraries of the resolution.

The motion is seconded.

President Vance: You have heard the motion made and seconded. Are there any remarks?

Mr. Glasier: (Wisconsin State Library): As I remember Mr. James' motion, it contained an addition to the effect that it be put into effect so far as it could be done practically.

Miss Newman: Mr. Glasier is correct. I want to explain that. There were certain resolutions attached to the original Roalfe Plan, and the minutes will show that when Professor James made his motion, he asked that those resolu-

[1] Supra, note 1, at page 178.

tions be followed, pointing out that the period of transition should be attached to his original motion. That is in the record. I have them here, there are four or five paragraphs. I wanted to save you from having to listen to them again.

President Vance: I do not think there is any point of order or ruling necessary on that question, because Mr. Glasier is correct, as far as the facts go. It was included in the supporting resolution on the original Plan.

Are there any further remarks on the motion? If not all those in favor will please signify by saying "Aye". All those opposed? None.

The motion is duly carried.

We will now have the report of the *Resolutions Committee,* Mr. Conant, Chairman. Miss Ryan?

Miss Ryan: (Law Library, 8th Judicial District, Buffalo): Mr. Conant is not present. The Resolutions Committee of the 1934 Conference of the American Association of Law Libraries respectfully presents the following resolutions:

We wish to express to the American Library Association our most sincere appreciation of the excellent arrangements made for the Conference and most particularly for the inclusion of our program announcement in the Official Bulletin of the American Library Association.

We wish to extend to Monsieur Leonce Plante, K. C., and Mr. Charles M. Holt, K. C., Chairman of the Committee of the Library of the Montreal Bar, our grateful acknowledgment for a most cordial welcome to their delightful City.

And to the following: Monsieur Maréchal Nantel, K. C., Librarian of the Advocates' Library; Mr. F. Regis Noel, President of the District of Columbia Bar Association; Professor Frederick C. Hicks, Librarian of the Yale Law School; Monsieur G. A. Terrault, Inspector of Records, Board of Notaries; Professor Eldon R. James, Librarian of The Harvard Law School Library; Mr. Walter S. Johnson, K. C.; Professor Francis S. Philbrick, of the University of Pennsylvania Law School; and Monsieur Ernest Bertrand, K. C. our most sincere and grateful appreciation of their excellent papers and addresses delivered and read at our Sessions.

To our very able President, Mr. John T. Vance, our sincere thanks for his excellent and inspiring program, which has resulted in an unusual attendance at all meetings.

To Mrs. Lotus M. Mills, our grateful acknowledgment of her most efficient rendering of the arduous duties of Secretary-Treasurer.

To the Officers and Members of the Executive Committee our grateful acknowledgment of much time spent on Association work, and our acknowledgment of the fine results obtained.

To the Publishers of the Standard Legal Directory, this Association takes occasion to again express the high appreciation of the continued cooperation in making possible the annual publication of the List of Law Libraries of the United States and Canada. This is a valuable service cheerfully rendered.

To the Press of the City of Montreal our grateful thanks for the publicity so generously given.

To the management of the Mount Royal Hotel our appreciation for the many and varied courtesies extended to members of our Association.

Be it resolved: That these resolutions be adopted and that the Secretary be instructed to send a copy to each of the persons and organizations mentioned in the report.

WHEREAS, death has removed from our Association, Daniel W. Iddings, of the Law Library at Dayton, Ohio and Edna M. Craig, of the Law Library of McGill University at Montreal, Canada:

Resolved, that The American Association of Law Libraries express its sorrow in the loss of these loyal members and instruct its Secretary to send copies of the respective memorials to their families.

President Vance: You have heard the Report of the Committee on Resolutions. What is your pleasure?

Miss Ryan: I move that the report be adopted.

A member: Seconded.

President Vance: It has been moved and seconded that the Report be adopted. I will put the question again. All in favor? Opposed? None.

The motion is carried.

Mr. Poole: Should they be adopted? These resolutions are given in the form of resolutions.

President Vance: You think they should be adopted as resolutions? Well, the committee making the report, I suppose, then, should properly move that the resolutions be adopted.

Mr. Poole: I understand that is what you do.

President Vance: Then we might consider that off the record.

Mr. McDaniel: (Library of the Association of the Bar, New York): I move that the resolutions contained in the report be adopted.

Mr. Daniel: (Howard University Law School Library): Seconded.

President Vance: It has been moved and seconded that the resolutions be adopted. I will put the question again. All in favour? Opposed? None.

The motion is duly carried.

The next committee is the Auditing Committee. Mr. McDaniel, you are Chairman.

Mr. McDaniel: In place of Mr. Feazel, I will read the Report of the Auditing Committee which has been endorsed on the Report of the Treasurer of the Association: "This is to certify that we have this day examined the records and vouchers of the treasurer of the American Association of Law Libraries and find them to be correct and we find them to correspond with the bank statements and the balance on hand to correspond with the balance shown in the banks." Signed and dated at Montreal, June 27, 1934.

E. A. Feazel
Arthur S. McDaniel
Edward H. Redstone

President Vance: You have heard the Report of the Committee on Auditing read by Mr. McDaniel.

Mr. McDaniel: I move that the report be received and the Committee discharged.

Mr. Daniel: Seconded.

President Vance: It has been moved and seconded that the report be received and the Auditing Committee discharged and extended a vote of thanks for their arduous labor. All in favor? Opposed? None.

The motion is duly carried.

We shall now have the report of the third committee, the Nominations Committee.

Miss Parma: The Committee begs to submit the following recommendations:

For President: Eldon R. James
For First Vice President: William R. Roalfe
For Second Vice President: Fred Y. Holland
For Secretary-Treasurer: Helen Newman
For Members of the Executive Committee:
John T. Vance
Frances D. Lyon
James E. Brenner
William S. Johnston

I move that the report be accepted.

Mr. Daniel: Seconded.

President Vance: You have heard the report of the Committee on Nominations, and a motion made and seconded that the report be adopted. All those in favor of the motion make it known by saying "Aye"? All those opposed? None.

The Nominations are accepted.

I think it is now proper to entertain a motion that the Secretary be instructed to cast the ballot.

Mr. Poole: I make such a motion, that the Secretary be authorized and directed to cast one ballot for these candidates.

A Member: Seconded.

President Vance: It has been moved and seconded that the Secretary be authorized to cast the ballot of the members of the Association, electing these nominees. All in favor of the motion signify the same by saying "Aye"? All opposed? None.

The motion is carried.

Mrs. Mills: I cast the ballot for the election of the officers suggested by the Nominating Committee.

Mr. Holland: I move you that we immediately notify Mr. James by radio, he having sailed this morning, of the action of this Association in electing him President and request his acceptance.

President Vance: Not being President any longer, I suppose I could not very well entertain the motion. I suppose the correct procedure would be to induct him into office. Of course, those of you who are here are notified and will immediately take office; those not here will be notified and will take office, unless something unforeseen, or some Act of God occurs.

Mrs. Mills: Our Association year does not end until tomorrow. The new year begins July 1st.

Mr. Holland: I was about to suggest that we appoint a Committee to notify Mr. James.

President Vance: I have not seen the constitution myself for some time, the Secretary being the repository of the constitution, as well as the exchequer. I accept her decision in the matter, and if there is no objection from the members, I will continue to act until my successor is notified. The motion is to the effect that Mr. James be notified by wireless.

Mr. Poole: Seconded.

President Vance: It has been moved and seconded that Mr. James be notified by wireless, and I should like to ask the mover to amend it to this extent, that it be given a paid reply, providing it confirms his acceptance of the offer (laughter: *A member*: Is that not bribery?)

Mrs. Mills: I would like to amend it further and ask the Nominating Committee to word the telegram.

President Vance: The motion as it now stands is that Mr. James be notified, with a paid reply, confirming his acceptance of the office of President, all this to be done by the Nominating Committee.

Mr. Holland: No, you are yourself the proper person. You are the one to send the radiogram and sign it in your own name as President of the Association.

President Vance: I decline to hear the gentleman. He is out of order. Are you all in favor of the motion that Mr. James be notified and so forth?

Mr. Glasier: I would like to suggest that in notifying Mr. James we ought not to say anything in the notice that would intimate that we even suspect that he is not going to accept our election of him as President. I would suggest that we do not say anything about acceptance or rejection but simply notify him that he has been elected.

Mr. McDaniel: I agree with Mr. Glasier.

Mr. Holland: I accept that as an amendment.

President Vance: I will put the motion as it finally stands: That Mr. James be notified of his election to the Presidency of the American Association of Law Libraries, by wireless. Are you all in favor? Opposed? None.

The motion is duly carried.

I notice on the agenda the election of officers and installation. Does that installation mean that they are installed but do not go into office until after the first of July?

Mrs. Mills: When the new president has been present, we have always asked him to speak, but since he is not here we cannot do that.

President Vance: We law librarians are not so technical about these matters as some of the members of the Bar, who are constitutional lawyers. So, the officers having been elected, we shall now proceed to the installation. I must confess that my knowledge of the ceremony of installation is rather brief, but it seems to me that they are simply invited and called upon to come and be recognized and say a few words.

The President not being here, we will notify the Vice President of his election, and Mr. Roalfe will be recognized.

Mr. Roalfe: I would just like to say one word, since it gives me the opportunity to do so advantageously, and that is this, that I am happy, and I think we all should be happy in the realization that we have elected a man for President who not only has the ability but who, I believe, has the prestige, and who has access to the sources from which we may gain outside strength and influence. I believe that we have a very great future before us, even in these succeeding years, and certainly I for one will co-operate with the other officers to the best of my ability. (applause).

President Vance: Thank you, Mr. Roalfe.

The new secretary-treasurer, Miss Newman.

Miss Newman: Mr. President, Members of the Association: I very much appreciate the confidence which this group seems to have placed in me by electing me to this office. When Mr. Vance first asked me to become Chairman of the Committee, in the absence of Mr. Roalfe last fall, and to represent our Law Libraries before the Association of American Law Schools, I thought I was simply in the capacity of a speechmaker, and I did not anticipate that I was going to be asked to fill this office. However, as things went along and some of you seemed to think that the permanent headquarters should be in Washington, I felt that I should be willing to take over some of the work and attempt to prove what we, in Washington, could do for you. I hope that we shall be able to make, at least, a creditable start under the Roalfe plan. I hope, however, that you will not all take me at my word, at once, by writing me every day for government documents, which I have several times said I could obtain so easily. I hope you will spare me a little—at first. (laughter and applause).

President Vance: The members of the Executive Council. A number of them are absent, I believe. Vice Presidents are more important nowadays than they used to be, because in this rapid age, even a second vice president may assume the office of the president before the term is out. I therefore recognize Mr. Holland.

Mr. Holland: I agree most heartily with the expressions of Mr. Roalfe. I think we are indeed fortunate in having elected Mr. James, such a distinguished

gentleman will be most acceptable as our president and I think we will be benefitted by his serving in this office this year, and also by having Miss Newman as Secretary. I consider we are indeed fortunate in having our secretary located in Washington, and with the ability I am sure you all know she possesses.

I want to take this opportunity, if I may, to extend to the Association as such, and to each member here present individually, our most hearty and cordial invitation to attend the next meeting at Denver. I want to say to you that if you have enjoyed the delightful hospitality in this city especially, if you enjoyed the climate here, I think you will also enjoy the climate of Denver, a city that lies a mile high. Regardless of what week or month we might meet out there, you will find it a very delightful time in Denver in spring, summer and fall, and most of the time in winter. I hope you will all come out, and I am sure that we will do everything we can to make it pleasant for you and comfortable and to make your stay one which you will enjoy throughout. I hope to see you all in Denver next year. (applause).

President Vance: Mr. Holland, we appreciate very much your words of invitation, and we are looking forward, I assure you, every member of us, with the greatest anticipation and pleasure to the visit to that delightful city in the West, which is the home of our Second Vice President.

As the outgoing President should efface himself as much as possible while he is presiding, I should like to ask if anyone has any other business to bring before the Association?

If not, I should like to take this opportunity to acknowledge my debt of gratitude to the members of this Association for the honor that they have conferred upon me by electing me their President and giving me this opportunity to be of service to the Association; and particularly to our former Secretary-Treasurer, who has so efficiently and capably performed the duties of that office for the past several years. I am sure we should all have wished her to carry on the work, if only she might live in Washington; to the members of the Executive Committee, particularly our former President, and to the members of the Committee on the Index; to the genial host of *Chez Poole,* for his constant co-operation and counsel. He personally went to the greatest trouble to assist me in the work of organizing the program, and it was his idea that we should meet at the Mount Royal instead of the Windsor, because it was first understood that we should meet at the Windsor with the American Library Association; and I think it has been exceedingly fortunate that we have met at the Mount Royal, because the service has been so excellent and the hotel large enough to accommodate the two Associations and the overflow from the Windsor, and we have had our vanity appeased here at the Mount Royal, which we should not have had at the Windsor. After all, the American Association of Law Libraries is not an appendage of the American Library Association. We have our own personality and I think we are demonstrating it more and more as the years go by. I am also deeply grateful to the able speakers on our program, to those in Montreal and to others who have come from distant parts at considerable expense to entertain us. I think that is all, but if there is anybody I have left out, I extend to them the very heartiest thanks for their co-operation and assistance.

I presume you all know that the banquet tonight is at seven o'clock, and that means seven o'clock sharp. It is to be in Salon D, where our meetings have been before, on the mezzanine floor. We have two very excellent speakers, and, of course, our genial toastmaster, Mr. Godard of the American Association of State Libraries.

Mr. Holland: I move that we adjourn.

Mr. Daniel: Seconded.

The meeting adjourned at five minutes past four o'clock.

FRIDAY EVENING

JUNE 29, 1934

The joint banquet of the National Association of State Libraries and the American Association of Law Libraries took place on Friday evening, June 29th, at the Mount Royal Hotel. George S. Godard presided as toastmaster and introduced Irma A. Watts, President of the National Association of State Libraries and John T. Vance, President of the American Association of Law Libraries, who gave greetings to the guests. The distinguished speakers of the evening were the Hon. E. F. Surveyer, Superior Court, Montreal District, and Hon. A. Rives Hall, Court of King's Bench.

The banquet was concluded with a spirit of warm friendship following gracious extemporaneous remarks by Maréchal Nantel, K. C., and Leonce Plante, K. C.

PROGRAM OF THE TWENTY-NINTH ANNUAL CONFERENCE

JUNE 25-30, 1934

Mount Royal Hotel
Montreal, Canada.

MONDAY, June 25, at 2:30 p.m. Salon B.

Joint Session: National Association of State Libraries and the American Association of Law Libraries, President John T. Vance, presiding.

Addresses of welcome:

*Leonce Plante, K.C., Syndic of the Bar of Montreal.

Charles M. Holt, K.C., Chairman of the Committee of the Library of the Monteral Bar.

Response:

Harrison J. Conant, State Librarian, Montpelier, Vt.

Adjournment to Salon D.

American Association of Law Libraries met for President's report, report of Secretary-Treasurer, appointments of Nominations, Auditing, and Resolutions committees, and reports of Standing committees.

TUESDAY, June 26, at 10:00 a.m. Salon D.
Vice President, Miss Alice M. Magee, presiding.
Addresses:
Maréchal Nantel, K. C., Librarian, The Advocates' Library.
Subject—The Advocates' Library and the Montreal Bar.
F. Regis Noel, Ph.D., President, District of Columbia Bar Association.
Subject—A Demonstration of the value of the Law Library of Congress to American Lawyers, Especially in the Fields of Foreign and International Law.
Frederick C. Hicks, Librarian, Yale Law School Library.
Subject—Reproducing Catalogue Cards by Photographic Method.

WEDNESDAY, June 27.
1.00 p.m.—Luncheon "Chez Paul"
2:30 p.m.—Visit to the Advocates' Library and Courts of Justice.
8:30 p.m.—Round Table on Roalfe Expansion Plan, Miss Helen Newman, presiding.—Salon D, Mount Royal Hotel.

THURSDAY, June 28, Salon B.
10:00 a.m.—Joint meeting of American Association of Law Libraries and National Association of State Libraries, President Irma A. Watts, presiding.
Addresses:
G. A. Terrault, Inspector of Records, Board of Notaries.
Subject—The Notarial System of the Province of Quebec.
Eldon R. James, Librarian, Harvard Law School.
Subject—The Harvard Law Library.
**Walter S. Johnson, K. C.
Subject—Sources of Quebec Law.
2:30 p.m.—Address:
Francis S. Philbrick, University of Pennsylvania Law School.
Subject—Possibilities of American Legal History.

FRIDAY, June 29, at 2:30 p.m. *Final Session,* Salle Dorée.
Franklin O. Poole, presiding.
Address:
Ernest Bertrand, K. C., Chief Crown Prosecutor.
Subject—Administration of Criminal Justice in Canada.
Reports of Committees:
(a) Resolutions.
(b) Nominations.
(c) Auditing.
Election of officers and installation.
Adjournment.

FRIDAY at 7:00 p.m., Room "D", Mezzanine floor.
Joint banquet with National Association of State Libraries.
Toastmaster—Mr. George S. Godard, State Librarian, Connecticut
Greetings—Miss Irma A. Watts, N. A. S. L.

Greetings—John T. Vance, A. A. L. L.
Speakers—Hon. E. F. Surveyer, Superior Court, Montreal District.
Hon. A. Rives Hall, Court of King's Bench.

*The Honorable Camilien Houde, Mayor of Montreal, and the Honorable G. A. Fauteux, K. C., Batonnier of the Montreal Bar, who were on the program to deliver addresses of welcome were detained on official business and were unable to be present.

**Warwick Chipman K. C., who was on the program for an address entitled "The French Canadian Legal System" withdrew in favor of Mr. Johnson because of the similarity of the subject matter of their papers.

ATTENDANCE REGISTER

James C. Baxter
Herbert O. Brigham
C. R. Brown
Marguerite B. Caldwell
Catharine Campbell
Mary Simmons Covington
Mildred Dager
A. Mercer Daniel
Richard C. DeWolf
E. A. Feazel
J. S. Fuchs
Gilson G. Glasier
George S. Godard
John S. Gummere
Frederick C. Hicks
Fred Y. Holland
Henri S. Jacques
Eldon R. James
Bessie Margaret Johnson
William S. Johnston
Lydia L. Kirschner
Mary B. Ladd
Olive C. Lathrop
Bernita J. Long
Harrison M. MacDonald
M. Alice Matthews
Arthur S. McDaniel
Lotus Mitchell Mills
(Mrs.) John Trotwood Moore
Maréchal Nantel
Helen Newman
F. Regis Noel
Mamie Owen
Rosamond Parma
May H. Pendleton
Franklin O. Poole
Miles O. Price
Laurie H. Riggs
William R. Roalfe
Anna M. Ryan
Harriet M. Skogh
A. J. Small
Howard L. Stebbins
Ethel Turner
John T. Vance
Irma A. Watts
Laura R. Wilson
Rebecca Wilson